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SUMMARY OF NEWS.

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Politics of Europe.

To-day, we present our readers with several very interesting Law Reports from the late Papers: the Trial of the Bishop of Clogher, which ended in his Deposition and Deposition; the motion of Mr. Brugham, for a new Trial in the case of a Libel on the Durham Clergy; and the Trial of Little Waddington, for selling Blasphemous Publications.

Persia Russia, and England.—Till within these few years, English influence was all-powerful in Persia, and the most friendly relations subsisted between the Court of Teheran and the East India Company. The latter paid to the Shah for some years an annual subsidy of 200,000 tomans, in return for certain assistance rendered by the Persians against hostile tribes in the north of India. A number of English officers went into the service of Persia, organized and disciplined her disorderly armies, and rendered good service against the encroaching Russians on the side of Caucasus. All went on well till the end of 1814, when, as a measure of economy, Mr. Morier ordered all the British officers (who were paid by England) to quit Persia. To make matters worse, when Messrs. Morier and Ellis, who had succeeded Sir Gore Ouseley, were recalled, a Mr. Willock, who had been a Lieutenant of Native Cavalry in India, was left as *charge d'affairs*. Ever since that time, the English influence has declined, and the Russian has become paramount. Mr. Willock contrived to make himself extremely obnoxious to the Persian Court, while the Russians studiously cultivated the friendship of the Shah and Prince Royal. In 1817, General Yermaloff went to Teheran as Ambassador Extraordinary from Alexander, with an embassy consisting of the flower of the Russian Nobility, and fitted out with extraordinary splendour. At his Departure he left Colonel Mazzaravich as Russian Envoy, who spares neither pains nor expense to gratify the Persians, keeping open table for the nobles, &c. In the mean time, serious differences arose with the British Minister from the non-payment of 100,000 tomans, the arrears of the subsidy due from the East India Company to the Shah, which the latter had made over to the Prince Royal. Mr. Willock on one occasion advanced his Royal Highness 10,000 tomans on account, and afterwards the Prince issued an order on Mr. W. for 3,000 more, which the latter refused to pay, assigning as one of his reasons, that the Persians had invaded Turkey contrary to their promise to him. This charge excited great indignation on the part of the Shah; angry messages passed, and one of the King's messengers, without the least authority, threatened Mr. Willock's life. Mr. W. immediately demanded passports; and in spite of repeated assurances and explanation from the Court, that the insult was wholly unauthorized—in spite even of particular marks of favour from the Shah in atonement, Mr. Willock persisted in quitting Persia. In consequence, Mirza Mahmoud Saula, formerly a student in England, was appointed Ambassador to London, and has recently arrived here by way of Russia, where he was treated with careful kindness and generosity. He is the bearer of a firman of congratulation to his Majesty on his accession to the Throne; he is instructed to require payment in London of 15,000*l.* in part of the subsidy arrear, which the Court of Directors has complied with; he is commissioned to purchase arms and clothing for the Persian army; he has orders to exhibit a list

of specific charges against Mr. Willock, for alleged improper and even insulting conduct to the Shah, the Prince Royal, and their ministers, and even to the whole nation, in the violation of a sacred religious rite; and he is especially required to protest against the re-appointment of Mr. Willock.

The importance of the English relations with Persia need hardly be pointed out, whether in reference to our Indian possessions, or to a great mart for our manufactures and merchandize. The Persians are a kind and amiable people, and have always shewn an attachment to the English; but Russia has great advantage in her contiguity, which she seems anxious to make the most of in every way. There is now in Georgia a standing army of 130,000 men, being 100,000 more than the Russians ever before employed there even in war. Such is the influence of the Russian Envoy at Teheran, that he was reported to have said at a public entertainment, that when the present Shah died, his master would dictate a successor to the Persian Throne. If the British Government is not lost to all sense of national interests, it will not give additional advantages to Russian ambition by any petty disputes with the Persian Sovereign.

Proceedings against the Bishop of Clogher.—Never do we remember to have observed in the proceedings of any Court, so charitable a spirit as that which characterizes the proceedings against the Bishop of Clogher. There is no bitter invective, no endeavour to excite prejudice against the accused, no forensic effort on the part of the advocate to put an unfavourable construction on appearance; one heinous offence, too notorious to allow of doubt, and too enormous for palliation, is indeed admitted, with decent reprobation; and then charity shines forth, and reigns the order of the day. The great merits of the Bishop, we are officially told, pointed him out as a fit person for advancement, and his previous good character seems only to cease to serve him at the very point of detection; for the advocate cannot suspect a convicted hypocrite of hypocrisy, but gives him implicit credit for sincere sorrow and regret on the first outward signs of devotion—his sighs pass at once for contrition, and his kneeling for penitence. One hour in a watch-house is presumed to have purged him of his enormities, to have at once cleansed his nature of its foul taint, and his prayers are acceptable at the throne of grace. Surely the very Temple of Charity is an Ecclesiastical Court when a miscreant Bishop is on trial! The advocate, not content, however, with having seized an attribute of the Divinity, and seen into the heart of the Bishop—not satisfied with having assured us that heaven itself had made him its care, and worked his deliverance—descends to so minute and trifling a circumstance as the contents of a letter to do high honour, a letter from his uncle, Lord Roden, which he threw away when searched, the contents of which are pronounced “to do honour to the head and heart of its writer, and the man to whom it was addressed;” “that letter was addressed to the Bishop of Clogher.” Here is charity and moderation, soft word and reserves; surely this Bishop must have possessed a character of most wonderful material; it wears well, and does not show stains; it gets him a Bishopric, and survives his crimes; he is the pious Jocelyn in the watch house, offering up the sighings of a contrite heart; “he called upon that great God” (we quote the advocate’s words) in whose presence he had so lately and grievously offended, for his protection and deliverance; his prayer was graciously heard

—his life was spared to him! Is this piety, or if it be, what is impiety? The style in which this man has been spoken of throughout by the Government people in Dublin has been disgraceful, and this is all in the same spirit: he has been invariably described in terms rather belonging to an object of pity than one of disgust—but then he is a Bishop,—*London Paper*.

Lord Amherst.—The Court of Directors of the East India Company gave a grand dinner to this Nobleman in consequence of his appointment to the important station of Governor General of our Asiatic possessions. This honorary banquet took place at the Albion Tavern Aldersgate-street, and was in every respect such as it should be on an occasion connected with the interest and honour of the British empire.

Mr. Hunt's Entry into London.—On Monday (Nov. 11) Mr. Hunt, who had arrived at Hounslow the day preceding, left that town, in a chaise, for London. He was affectionately greeted in the villages on the road, and as he neared the metropolis a multitude collected and accompanied him. At Knightsbridge the horses were taken from the vehicle, and he was drawn to the side of a barouche and six, near Hyde-park Corner. Before he entered the latter, an address of welcome was presented by the Committee formed to regulate the proceedings of the day. Mr. Hunt addressed the assembled multitude—

"Fellow countrymen and fellow countrywomen,—You see before you a man who has just escaped from prison. A beneficent Providence has enabled me, after two years and six months' cruel incarceration, to stand before you again in this metropolis—the same man in principle; the same man in mind; and, thanks be to heaven, the same man in constitution. (*cheers.*) I hope I have done nothing that I ought to be ashamed to do. (*No, no.*) I hope, by the blessing of God, to be enabled (with the advantage of a little experience) to pursue the same course as I have always done. I am glad to see you in such numbers around me. I have neither power nor wealth to draw crowds about me—my wealth and my power are the love and regard of my fellow countrymen. I have no purses to fling out of my carriage windows, like some great personages travelling luxuriously on the continent—purses wrung from the hearts and sinews of the labouring classes who stand before me. (*loud cheers.*) We are told that we are radicals. With all my heart; I am not ashamed of the appellation. A radical is an honest man—a man who wishes to possess and to enjoy the fruits of his labour; and at the same time is determined to resist the attempt to take away from him any portion of them, for the purpose of lavishing it in the support of the lazy, the idle, the indolent, the profligate, and the corrupt. (*cheers.*) Those who designate the radicals as turbulent and violent, must do so from improper motives. You will hardly think it possible, but while I was at Hounslow I have received anonymous letters, as I was accustomed to do. I understand, by one, that I am to be put to death to-day. (*Shouts of laughter.*) A man can die but once; and, in the discharge of my duty, I trust I shall ever be prepared to meet death with calmness and cheerfulness." (*Repeated cheers.*) A procession was then formed by the Sawyers' benefit society with banners and music, some persons on horse-back, Mr. Hunt in his barouche, dressed in his plaid cloak and a white hat, and some other barouches which followed, containing Reformers, both male and female. It passed through Piccadilly and the principal streets, accompanied by a prodigious concourse of people, whose shouts and cheers were extremely cordial and enthusiastic. At the Royal Exchange some person hissed, but the attempt only shewed the smallness of the exception. About five o'clock, three hundred respectable tradesmen, &c. sat down to dinner at the Eagle Tavern, City-road. Mr. Parkins in the Chair, and Mr. Hunt on his right. In the course of the evening, a multitude who had assembled in the street, became very clamorous to see Mr. Hunt, and that gentleman addressed them from the balcony.

Piracies in the West Indies.—The most horrible accounts of piracies arrive daily from the West Indies. In every quarter peaceable merchant ships have been assailed by lawless ruffians. British seamen have been cruelly maltreated, and the property of the industrious classes of English society has been forcibly

subjected to rapine and to plunder. Ships have been chased by pirates, and driven by them ashore on the palisades themselves of Port Royal, in the presence of the inhabitants of Kingston; and for ten days the port of Lucca, in Jamaica, was actually blockaded by the buccaneers. On the 9th of September a General Meeting of the Merchants was held at Kingston, when several very strong resolutions were unanimously adopted and a Memorial was ordered to be presented to the Colonial Secretary, setting forth the total inefficiency of his Majesty's naval forces on the Jamaica station.

Liberation of Mr. Hunt.—The Liberation of Mr. Hunt has been celebrated by festivities and public rejoicings in various parts of England, particularly in the North.

Theodore Hook.—The Report of the Commissioners of Colonial Audit, Messrs. Lushington, Byng, and Harrison, in reply to a counter-statement of this Public Defaulter,—has been published. The Commissioners remark on the impudence and gross invective with which Mr. Hook replied to their former statement, and then proceed, *seriatim*, to point out and refute the falsehood and sophistry of his excuses. The reader may remember, that this person held a situation in the Mauritius, where he appropriated the Government money to his own use, or allowed his underlings to appropriate it, and became a defaulter to the public to the amount of more than *Twelve Thousand Pounds*. A Treasury warrant has, we believe, issued against his person and property, but somehow or other, the officers contrive not to find him; though, if report speak true, he is very active, in London, in supplying a certain portion of the press with matter of no very delicate kind.

British Empire in the East.—The *SCOTSMAN* has an able and convincing article, shewing, that the British possessions in the East Indies, so far from being that source of wealth which popular prejudice has supposed, are a regular drain on England. We know how much is taken from our taxes to support the army, &c. in India. "An official account, printed by order of the House of Commons, shews, that the net surplus revenue of British India in 1819, the latest period to which the account has been brought down, amounted only to the trifling and almost incredibly small sum of 27,119. So far, indeed, from yielding a surplus, it is certain the revenue of India has never defrayed the expenses of its government; and a plain proof of this is to be found in the fact, that the East India Company, instead of accumulating treasure, have incurred a debt of about **FIFTY MILLIONS**, the greater part of which is *guaranteed by the public*, who, there is too much reason to fear, will ultimately find themselves saddled with this in addition to their other burdens!—But the money actually lost in this Eastern bubble, is nothing compared to the millions sacrificed by the Company's monopoly, which has deprived British merchants of nearly all the advantages derivable from our maritime strength, and priority of possession, and given them to other nations, particularly the Americans, whose Indian trade is already incomparably greater than that of the English!"

London Nov. 24.—Greece.—The accounts from Greece are gratifying in every particular. The failure of the Turks in their expedition against the Morea, is evidently re-acting upon those disorderly barbarians. They are retreating northwards in Thessaly and Albania, while the Greeks pursue with ardour, and have obtained a powerful accession of strength in the warlike Albanian vance of tribes, who have deserted the discomfited Mosslumen. They add the season must soon put an end to the campaign; but it is a most important thing for the Greeks to leave off victorious and in spirits.

Illness of the King of France.—The reader will see by a reference to our notice of the Funds, the alarm produced in the City yesterday by reports of the dangerous illness of the King of France. The agitation on this subject is not surprising, when we consider, that the death of that Monarch would perhaps produce more change and confusion in Europe than any other probable event. Such is the fear and hatred with which the next heir, Monsieur, is regarded by the French People, that Louis's death would very likely be the signal for a general insurrection.—The *COURIER* of last night, noticing these rumours, says it "believes

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the report of the French King's death to be unfounded," but does not contradict the assertion of his serious illness.

Irishman Belfast Newspaper.—We are happy to observe, that the Irish inhabitants of Glasgow have presented two complimentary addresses to Mr. Lawless, the Editor and Proprietor of the *IRISHMAN*, Belfast Newspaper. The *IRISHMAN* is a spirited and well-conducted journal, and has been highly instrumental in disseminating liberal opinions in the North of Ireland.—*Scotsman.*

Mr. Carlile.—The term for which Mr. Carlile was sentenced to be imprisoned in Dorchester gaol expired on the 16th instant. He has memorialized the Lords of the Treasury, stating, that in consequence of the seizure of his stock, he will not be enabled to pay his fines; and he therefore requests that he may be allowed to leave the prison.

Irish Preacher.—Last Sunday evening (says a Correspondent) in a popular place of worship not ten miles from "City-road, Chapel," a zealous Irish preacher, among other equally elegant phrases, observed, with all the assurance of mathematical demonstration:—"My dear Brethren, if any of you come to hell, you will, none of you, have occasion to blame the great Great God and say, that he did not give you an opportunity of getting there." * * * "The miseries of the damned souls in hell is an endless night of despair which they must enjoy to all eternity!"

Turks at Athens.—A letter from the Levant says, that the Turks at Athens have lately pulled down a part of the celebrated Parthenon, for the sake of the lead which is employed in the junction of the stones; and that the ground is in consequence strewed with fragments of sculpture and architecture. What masters for Greece are those legitimate barbarians!

Lord Rector for the University of Glasgow.—The election of a Lord Rector for Glasgow has produced an unusual contest this year. Sir Walter Scott and Sir James Mackintosh were the competitors. Sir James was elected by a great majority, having 750 votes out of 1000. The reason of this is obvious: as to literary eminence, there could be of course no comparison, though both candidates are ornaments to their country; but the name of the immortal Novelist is unfortunately sullied by a connexion with BEACONS and BLACKWOODS; and though a certain junto of self-elected corruptionists have set a disgraceful example by placing a literary assassin in the Chair of Moral Philosophy, the members of the Glasgow University do well to prize moral worth and honour even before superiority of talent.

London, Nov. 24. — France.—In the elections the Royalists have been eminently successful. M. Benjamin Constant is not re-elected, but in his place another opposition candidate, a M. Rousseau, to whom Ministers gave their aid. Among the arts practised to prevent the success of the opposition candidates, it is said that the names of electors entitled to vote, have been struck out of the lists on the eve of election, and others of the Ministerial party substituted. Electors have been turned back by the gendarmes, under the pretence that they had not passports. The department of the North, which elects eight Deputies for the Colleges of Arrondissement, and had seven Liberal in the last session, will not have one in the present. In the last session the second series had 44 Liberals; in the next they will not have more than a dozen. M. de la Fayette has been returned.

Bayonne, Nov. 7.—Bayonne is crowded with Spanish emigrants, who continue to arrive in great numbers, but they still consist of priests and monks, with very few men of landed property.—*Journal de Toulouse.*

Tribunal of Correctional Police.—On the 19th November, the Court condemned M. Benjamin Constant to one month's imprisonment, a fine of 500 francs, and costs, for his letter in answer to the personal calumnies, of M. Maugis, Procureur du Roi at Poitiers.

On the 20th, after several days' examinations, the trial of Colonel Fabvier, Colonel Dentzel, Marque (medical student) and M. Latouche,—charged with an attempt to release from prison the four youths lately executed at Paris, was concluded. Colonel Dentzel admitted his intention to have liberated them,

but denied any share in the execution of the scheme. Marque admitted having bribed the gaoler. Colonel Fabvier was acquitted, the other three found guilty by the Judges, and sentenced, Dentzel to four months' imprisonment, and 300 francs fine; Marque and Latouche to three months' imprisonment, and 100 francs fine each.

Spain.—Intelligence from the frontiers conveys the fact of the capture by Mina of Balaguer, another fortified post of the Insurgents. The Army of the Faith marked out by one gate as the conqueror entered by another. In consequence of the successes of the Constitutionalists, the rebel Regency quitted Urgel and removed to Puycerda, close to the French territory.

Letters from Paris, dated Wednesday night, state positively that news had been received that Mina had entered the Seo d'Urgel. The families of the Marquis of Mataflorida and of the Governor of Urgel had arrived with all their effects at Elvira, a village of Catalonia, near to the French frontiers. It is also stated, that the alarm in the Army of the Faith was at its height, and that the soldiers were deserting by hundreds. The troops at Puycerda were closely shut up in barracks, under the fear of a general desertion.

Greece.—Accounts from Semlin, of November 2nd, quote advices from Larissa of October 18th, stating that a corps of 8000 Albanians, whom Chourchid Pasha had posted in advance of Larissa, the capital of Thessaly, deserted in a body to the Greeks, and left Chourchid in such a situation, that he was obliged to abandon Larissa. The intelligence from Arta of the same date, is also favourable to the Greeks. The Tribes of Albanians in that neighbourhood had declared for the cause of liberty, and when the Pasha of Arta was defeated by Prince Mavrocordato and shot up in Arta, they rose, and joined the Greek besiegers.

Letters from Trieste state, that a considerable corps of Grecian troops had penetrated into the southern parts of Thessaly, where they attacked and entirely defeated the Turkish army commanded by Chourchid Pasha, who, by the able conduct of the Grecian General Bozzaris, was afterwards forced to take refuge in Macedonia.

Chili.—The *CHILI GAZETTE* of the 25th July contains an interesting account of the meeting and installation of the National Congress at Santiago on the 23d, and the popular rejoicings on that occasion. The Supreme Director, Don Bernardo O'Higgins attended, and formally resigned the Directorship, in a patriotic speech. The President, in behalf of the Congress, replied, and tendered the office to his Excellency, who graciously accepted it again at the hands of the Representatives of the People. During the illuminations at night, a transparency exhibited the arms of Chili, and on each side of them, portraits of the Director and Lord Cochrane. Under the latter were the words—"Long live the Admiral, who left his own country to protect the liberty and independence of Chili!"

The Funds.—Consols have been slightly depressed this week, owing to a series of very heavy sales, added to which the market was yesterday affected by rumours of all kinds, but more especially by an express confirming the intelligence of the incisition on of the King of France, which caused a depression in the French Rentes to 80f. 30c. on Thursday night. Such Marshals of France as were in Paris held a council on that day, in consequence, it is said, of the King's danger; although other reasons are given, and among others in circulation is that of a mutiny in the French army, which we suppose is a mere inference; for we think we recollect, that under the old *regime*, the Marshals of France always assembled on the dangerous illness of the Monarch. Some reports allege that the French Army is in motion to enter Spain; but all of them rest upon no apparent foundation. Indeed the illness of the King, and the consequent depression of the French Rentes, seem to be the only facts; but the confusion and alarm yesterday prevented purchases in every stock.

Bombay, March 29, 1823.—A file of Frankfort Journals up to the 26th of October, having been kindly lent to us, we have made some extracts from them, which relate chiefly to the events passing in the South of Europe.—The rumour that a rupture had

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taken place between the Turkish and English Governments, is set at rest by the departure of Lord Strangford being satisfactorily accounted for.—He goes to take a part in the discussions at Verona, and there does not appear to have been any misunderstanding between him and the Turkish authorities, previous to his departure.

The dispute concerning the seizure of the English vessels must be a common place matter, and while the British Merchants are so actively employed, disposing of arms and ammunition to those who will give the highest price for them, we shall no doubt be hearing of many seizures.—It is not to be expected, however, that our Ambassador will trouble himself much with these things, beyond the usual representation.

Augsburg, October 22.—Extract from the Gazette Universelle—Constantinople, Sept. 25.—Before his departure, Lord Strangford had some animated discussions with the Reis-Effendi respecting the capture of two English vessels in the Archipelago; but they have ended in nothing, although the Lord High Commissioner of the Ionian Islands, assumed an elevated tone against the Porte on that account, and demanded satisfaction. The measures taken for the prohibition of the English and French merchandize have given occasion to reclamation from both parties upon the Reis-Effendi; but they as well, are left without coming to any decision.

The Porte publishes no news respecting the Morea.—It is given out that Chourschid Pasha, has been foraging for Provisions, of which he stood in need; but the Greeks are announcing victories on all sides.

October, 15.—The celebrated Marquis Antonio Canova, who on his arrival at Venice had been seized with a violent cramp of the stomach accompanied by vomiting, died on the morning of the 15th October.

The Persians have advanced, on the one side even to Erzerum and on the other as far as Sulimanieh. Bagdad holds out vigorously, but it must fall in the end.—The Turks have experienced a great check.

The melancholy intelligence has been received from Arabia, that the Wahabites have attacked the Caravan which goes to Mecca and Medina, and that they killed nearly ten thousand Turks.

Paris, October 20.—They write from Madrid that the King for some days, has been in a state of the deepest melancholy, and no longer appears in public.—The health of the Queen is a little improved since she has hopes of going to breathe her native air.—*Bombay Gazette.*

Apparatus for Printing.—A country paper contains the following project, which is one of the nearest approaches to the scheme of Swift's *Leputan Projector* which has yet appeared:—“An apparatus for printing has been invented, on principles of extraordinary ingenuity. The first part of the operation is the casting of the types in a machine, which, though simple in its structure, performs a variety of motions, by which the types are founded, finished, and distributed into cases ready for the compositor. The second part of the apparatus is a machine for composing, or collecting the individual types together into words, lines, and sentences; which is effected by jacks and keys, to be played upon in the manner of a harpsichord or piano-forte. The third part of the apparatus is that which is used in taking off the impressions from the types. The principles upon which this part of the machinery is constructed are very different from those of the founding and composing apparatus, but equally good, and more expeditious. After the types in the form have given the number of impressions desired, they are returned to the melting pot, re cast, and distributed mechanically; which is more expeditiously performed than the old process of breaking up the type by hand, securing also the advantage of new type, and consequent uniformity throughout a long work, which by the old method could not be easily accomplished. The whole of the mechanism is worked with perfect ease by manual labour. A Mr.

Church is the inventor: he has perfected the press at Oxford.”—*Times.*

Grecian Politics.—Will our Grecian Politics be changed? We think so. There is a scholar at the head of our Foreign Connexion; and already, we understand from very good authority, that Sir T. Maitland is to be withdrawn from the Government of the Ionian Islands, which is to be conferred on Lord William Bentinck, whose character for liberality and strength of mind is as exalted as that of the present Governor is the reverse. If we conciliate and protect the Greeks we are masters of the Mediterranean in spite of Russia or of France.—*Dublin Paper.*

Voyage of Discovery.—A letter from Petersburgh states that Captain Wasiliw, just returned from his voyage of discovery, had not only passed up Behring's Straits to a higher latitude than Captain Cook, but had determined the true position of the northern Continent of America from Icy Cape to Alaska, and found an Island to the north of it, inhabited.

Anecdote of the Court.—When his Majesty was in Edinburgh and after he had held the Lye, dressed, out of compliment to his Northern subjects, “in the garb of old Gaul,” it became a matter of etiquette discussion, whether or not it would be proper to hold the Drawing Room in the same uniform of plaid and kilt. The Peccresses and other ladies held a Council upon the subject, at which opinions ran almost universally against this mode of adorning the Royal person. It was observed, however, that Lady H***** had said nothing, and as she has great influence, her judgment was solicited. “Why, (replied she), I am sorry, Ladies, to differ so much from all your sentiments; but it does appear to me, that as his Majesty is to say so short a while with us, we ought certainly to see as much of him as we can!”

Carbonari.—His Majesty the Emperor of Russia has given orders to publish at Warsaw the Papal Bull of the 24th of June, this year, against the secret Society of the Carbonari. The order is addressed to the committee of Public Instruction, which has accordingly published the Bull in the newspapers of Warsaw.

Unprecedented Depression.—A fact has been communicated to us, on unquestionable authority, which strikingly exemplifies the unprecedented depression which at present overwhelms the Agricultural Interest. Very recently a drove of 300 Devonshire oxen travelled from South Molton, in that county, to every fair betwixt that place and London; and stood at Smithfield market: failing in a purchaser at all these marts, they proceeded 40 miles beyond town. The proprietor still disappointed again turned their heads towards the metropolis: the cattle stood a second time at Smithfield; were at Reading and other fairs or their return; and on Thursday sennight by far the greatest part were at Bristol market, but still they could not be sold, and were driven back to the place whence they came, after having travelled in this fruitless way not less than four hundred miles.—*Devizes Paper.*

Dardanelles.—The following is an extract of a letter from Captain F. Church, of the SAECIA, dated Dardanelles, Oct. 3, 1822:—“I am at this moment waiting my clearance from this castle. I was informed the Turkish fleet is cruising off Hydra and Spezzia: so I suppose I shall deliver my cargo at Napoli di Romania. P. S. I am this instant informed an officer has just arrived here from the fleet, with despatches for Constantinople, in 15 days from Napoli di Romania, where the fleet then was, and it appears their next destination will be Mytilene; butas the wind is now favorable, I am in hopes of joining the fleet at the former place in the course of three days. The SICILY, Captain Cupper, in company.”

Mr. Lambton has bought the colliery at Newbottle, late the property of Messrs. Nesham and Co. for 70,000L. We understand that 50,000L. of the purchase-money is to be paid immediately, and the remainder in twelve months.

MISCELLANEOUS.

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Cambridge Election.

In a short Extra paper published by JOHN BULL, we found the important news that Mr. W. J. Banks had been elected Member for the University of Cambridge. It was natural for the Friends of (or to) Mr. Plantagenet Banks and his connections in this country to exalt, in seeing their hero chosen for a University. On the other hand, we were induced to search our files of English papers, to see how this had come about, and to learn the causes which had enabled a young man to obtain this distinction, who is known only for the long Travels he has made in the East, and the excellent account of them, which the QUARTERLY REVIEW has promised that he will some day or other give.

We imagined that his royal descent might have smoothed the way to his election, but that does not seem to be alluded to any JOURNALS we have seen. Although there be the same sympathy between BANKS and BULLS in the West as in the East, the Western BULL it appears said little more of the Gentleman than that he was himself an M. A. and his father a senior wrangler and first Medallist,

It is stated that JOHN BULLS were profusely given away by Mr. Banks's Election Committee; our Tauric contemporary therefore cannot but join in the praises of the man whom its Cockney prototype "delighteth to honor." But we detain our readers from the English extracts which give a detailed account of the election.

Cambridge, Thursday Morning.—At 10 o'clock precisely last night, (Nov. 27) the balloting closed, and at a quarter before twelve the Vice-Chancellor announced the state of the poll as follows:—

For Mr. Banks,	419
For Lord Hervey,	281
For Mr. Scarlett,	219

The Friends of Mr. Banks who were in attendance, set up a loud shout, which was echoed by the under-graduates who were still in the Senate house. In a few minutes all was quiet, the Senate-house closed, and the streets of Cambridge were perfectly empty; and this morning the University is restored to its usual monotonous tranquillity.

The result of the election has not at all surprised any man who is acquainted with the University. A very considerable majority of the electors, whether resident, or non-resident, consists of the established clergy: upon the greater portion of whom the false alarm of "the Church in Danger" has never failed to work with irresistible force; even the love of the minister of the day, yields to the indefinite horror of Popery; a senseless and ideal terror about unknown evils obliterates for the time all the hope, and all the anxiety, for the substantial comforts of crown-livings, rich deaneries, and richer bishoprics. This bugbear it was which in 1807 turned out Lord Henry Petty, and brought in Sir Vicary Gibbs; it has now brought in Mr. Banks, and will succeed as often as it is adopted; unless the independent and more enlightened members of the University exert every nerve with unremitting zeal to counteract its disgraceful influence. If Mr. Banks had not set up this false cry (and no doubt he is laughing in his sleeve at the dupes who have listened to it), he would not have had a hundred votes; his personal pretensions are absolutely nothing, unless the circumstance of a man's amusing his leisure by spending his money in a long ramble is to be considered as qualifying him for an efficient member of Parliament.

Lord Hervey's pretensions at first sight appear more valid; he is the nephew of the Prime Minister, and with that single merit (I have not heard of any other which he possesses) he would have driven Mr. Banks out of the field, had not the latter raised the standard of—No Popery, and frightened the friends of the minister "from their property."

If the nephew of the Prime Minister failed, before the anti-Catholic champion, no wonder that Mr. Scarlett did not succeed: but there were also other causes which contributed to Mr. Scar-

lett's defeat. He came too late into the field: a great number of voters who would have supported him had already been engaged by the Whig relations of Lord Hervey, who, besides the singular good fortune of his relationship with Lord Liverpool, is also intimately connected with the Duke of Gloucester and the Duke of Devonshire, who, it seems, considered that a youth—and that youth a Tory, because he happened to be their relative, was more fit to represent the Whig party of the University, than any Whig or independent gentleman, however eminent for worth or talents. The Duke of Grafton's support of Lord Hervey, instead of his own party's candidate, is, at first view, perfectly unaccountable—especially when it is recollect that in 1807, when as Lord Euston he was a candidate to represent the University, he would have been totally defeated, had not the friends of Lord Henry Petty, with the generous acquiescence of that nobleman, whose strength was by far the greatest, transferred their interest to the weaker candidate, and brought him triumphantly through. We will not pretend to solve this riddle; we leave it to the Councillors of the town of Bury. Mr. Scarlett, thus curtailed through the defection of three Whig leaders, of the greatest portion of his strength, had nothing to rely upon but the independent party (scarcely ever a majority in any society) and his professional associates. And here we are happy to have an opportunity of testifying that the bar, which has not among people in general a reputation for disinterestedness and independence, has done a great deal to redeem its character. With very few exceptions, the barristers all flocked to Mr. Scarlett's standard; there is scarcely a name of the least note at the bar, which will not be found in the list of his supporters. Messrs. Bell, Head, Shadwell, &c., of the Chancery bar; Messrs. J. Williams, Bolland, Reynolds, Walford, Tindal, Parke, Starkie, Pollock, Alderson, &c., of the King's Bench, without any eye to pleasing or dispensing the dispensers of legal honours, vied with each other in zeal to support a distinguished candidate, whose pretensions, in point of talent and public merit, so far exceed the Protestantism of Mr. Banks, and the nepotism of Lord Hervey. As we have mentioned those noblemen who failed to support their own candidate, it is proper also to mention those who acted as became their principles and public professions. The Duke of Bedford, Lord Lansdown, Lord Althorn, and Lord Ossington, behaved consistently. Mr. Grey Bennet, however, was not at his post, and his absence was not satisfactorily explained. Lord Stantley was absent, from an opinion, right or wrong, that he had parted with his franchise; but he was understood to be friendly to Mr. Scarlett.

Though from the beginning there was not much doubt as to the result, the scene was animating and interesting: the constant arrival of fresh votes gave spirit to the contest and novelty to the ordinary sameness of academical life, when the same faces constantly meet each other till familiarity becomes almost painful from the impossibility of escape from it. The Senate house was crowded during almost the whole of the two days, and the laical blue of the lawyers afforded a not unpleasing contrast with the sober black of the clerical electors. The galleries were filled with the under-graduates, and there were not wanting ladies to give relief to the scene. There was at one time a doubt whether the Vice-Chancellor had the power of keeping the poll open for two days: an opinion of Sergeant Lens (one of the counsel for the University) was quoted against it; but the Vice-Chancellor maintained his determination. Though the impartiality of this officer's conduct is admitted on all hands, and precludes the possibility of any suspicion of his motives, yet certain it is, that the second day gave an immense advantage to Mr. Banks, by allowing the distant clergy, who could not leave their parishes on Sunday, to come to the poll. This however was perfectly just: an election so managed as to preclude the attendance of a great portion of the electors would have been unfair in the extreme.

It is not worth while to enter into minute particulars as to the politics of particular colleges: suffice it to say that with the exception of Cains College and of Peter-house, the majority of the Masters of Arts, whether resident or non-resident, belonging to the smaller colleges, voted for Mr. Banks. The Johnians were divided between Lord Hervey and Mr. Banks; but as neither

of the candidates belonged to St. John's, were not very strenuous for either. Indeed, had not the master of the college, whose professional reluctance for the mitre is said not to be insuperable, stirred himself for the Minister's candidate, it is thought that St. John's would have made no exertion at all. Mr. Scarlett's chief strength lay among the members of Trinity and Caius. He had but two Masters of colleges among his vota—they were the Masters of Caius and Benet.

The friends of Mr. Scarlett regretted that his professional engagements had not permitted him to pass a longer time at Cambridge before the election; for it was evident that his manners and address made a very strong impression in his favour wherever he appeared, and might have contributed not a little to his advantage. Strong as the opposition was against him, it was impossible for any man to be personally more popular.

With Lord Hervey the case was different: his youthful, nay, boyish appearance, seemed to make his friends ashamed of confessing their support of him. The most careless observer was struck with the absurdity of a boy-representative of grave doctors and aged heads of houses.

Of Mr. Banks personally, few thought it worth while to say any thing; it was Mr. Banks, as the representative of "No Popery," that attracted the regard of the 419 voters; not one in twenty of whom knew, or thought, or asked any thing about the man, who was a mere appendage to the anti Catholic idea. Mr. Banks's committee however, acted like men of substance; the horses and carriages on every road leading to Cambridge were engaged to convoy his voters, almost to the exclusion of those of the other candidates; nor did the presence of the elder Mr. Banks, so celebrated for his economical notions, at least in Parliament, seem to operate with the slightest check upon the son. It is asserted that for the mere postage of letters Mr. Banks has from the begining of his canvas, paid no less than 20l. a day.

Among the very few voters for Mr. Banks, who cannot be supposed to have been influenced by the dread of Popery, may be mentioned the Right Hon. Frederick Robinson, a steady supporter of Catholic emancipation! But I cannot vouch for the fact, though it was reported that he came at a late hour last night, just before the close of the poll. The Lowther family did not vote at all: they were strong friends of the speaker's claims but when he gave away, they signified to Mr. Scarlet that though they could not support him, they would not oppose him; and they have kept their word. The reason of this forbearance is said to be the personal intimacy between Lord Lonsdale and Mr. Scarlett.

Many have asked why Mr. Grant did not come to the poll, seeing that his party (the Evangelical party) is so strong in this University. The fact is that his committee finding that the votes promised to him did not amount to more than one hundred and eighty, thought the contest hopeless: his secession was of more benefit to Mr. Banks than to Mr. Scarlett, the former acquiring thereby an addition of nearly a hundred votes; the latter not more than thirty.

I mentioned at the beginning of my letter that the Under-Graduates set up a shout of congratulation on the success of Banks; in fact, the greatest pains have been taken to impress their minds with the fear that all ecclesiastical establishments are in danger, and no wonder that their boyish minds are not proof against undefined terrors which have overpowered more mature, if not more manly, understandings.

Bad as things are, I do not despair nor despond. Though the cry of "No Popery" will for a long time to come succeed wherever it is raised, yet I feel confident that there are very few men qualified to stand for the University, who will not blush to have recourse to such means of success: though now in the exultation of recent victory, the party talk of throwing out Lord Palmerston, they will lower their note long before the next election, especially when they learn, that a Whig candidate will certainly present himself at the first opportunity, and find that strenuous support from his

party which on the present occasion has for reasons which we have already detailed, been so unworthily withheld.

Before I conclude, I may mention a report which is confidently believed here: it is, that if Mr. Sergeant Lens had started on the opposition interest when applied to, immediately after the death of Mr. Smythe, he would certainly have succeeded; his highly respectable character and his long connexion with the University would have discouraged even Mr. Banks from taking the field. Mr. Sergeant Lens declined the invitation, and now, it is said, regrets it. He however was most strenuous in his support of Mr. Scarlett, as also was the other University Counsel, Mr. Littledale.

Professor Christain (I had almost forgotten this great man) has been here, and has been amusing his friends by importuning them to read his essay on the law of misdemeanours: this essay turns out to be the famous letter to the Mayor of Hertford, in which he descended so learnedly upon red-herrings, and so eloquently upon upon a rearing horse. Whatever may be alleged against the correctness of the Professor's law, none can dispute the entertaining simplicity of his style. His jokes are certainly not the less amusing, because their author mistakes them for grave apothegms. This learned man voted I believe, for Mr. Banks: he certainly did not vote for Mr. Scarlett.

Singular discovery of a gang of Thieves.—The police of Amsterdam have discovered a gang of thieves in a very singular manner. A stranger brought a piece of fur to a furrier to make 12 caps of it, all of the same shape. The latter contrived to make thirteen caps instead of twelve, and kept the thirteenth for himself. Some days afterwards he was standing with this cap on at a stall, looking attentively at the goods, and, as was his custom, holding his hands behind him, when he felt something put in his hand, and on looking found a gold watch with chain and seals. He looked round in vain for the person who had thus surprised him, but he could see no one. He thought it his duty to inform the police, and as a reward for his zeal, was for the present put under arrest. It is said that the police had discovered that there was a society of twelve robbers, who recognised each other by these caps, and without doubt this is the reason why the honest furrier was mistaken for a member of the band.

Cottage in Windsor.—The very comfortable apartments which have been recently added to the Cottage in Windsor Park, and which were originally intended for Sir Benjamin Bloomfield and his family, are, it is said, destined for some particular friends and associates of the highest personage, and not, at present, at least, for Sir William Knighton, the successor in confidence and honours of Sir Benjamin Bloomfield. Notwithstanding all the rumours to the contrary, the family who have for a length of time basked in the sunshine of Royal favour, still continue to enjoy uninterrupted the ascendancy and patronage to which their exclusive devotion has gradually led.—*Morning Chronicle*.

Marquis of Hertford.—Ministers, we understand, have at length determined to make the Blue Ribbon, vacant by the death of the late Lord Londonderry, a peace-offering to the Marquis of Hertford, who is supposed not to have much reason to be particularly pleased with the treatment he has for a length of time experienced from Lord Liverpool. Indeed, a greater personal affront was perhaps never offered to an individual of his Lordship's elevated rank than by the determination of Ministers not to permit him to succeed the late Marquis in the Lieutenancy of Warwickshire, which our readers will recollect, was immediately on his death, transferred to the Earl of Warwick.—*Morning Chronicle*.

Canning's Little Red Lion.—Mr. Canning's observation, "ones let the little Red Lion in, and all the rest will follow," has been mistaken and misapplied. It clearly had no reference to Radicalism, but was aimed at Despotism, to which he once bore an inveterate enmity. The following anecdote will explain:—"Ruddiman, the Grammatician, was a warm friend of Royalty, and of the House of Stuart—so much so that he firmly believed, and often repeated in conversation, that every one of that line who was to ascend the Throne was born with a Red Lion on his right arm."—*Inq. into the Hist. of Scotland*, p. 59.

Wednesday, April 16, 1823

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Libel on Christianity.

COURT OF KING'S BENCH, WESTMINISTER, NOV. 21, 1822.

THE KING v WADDINGTON.

The defendant, Samuel Waddington, was found guilty at the last sittings for Middlesex, on an information filed by the Attorney-General, of publishing a libel on the Christian religion, in a work entitled "Palmer's Principles of Nature." The case against him at the trial was, that he took half a shop in the Strand, over which his name was painted, and in which was a contrivance for selling illegal works without the personal appearance of the actual seller. It was also proved, that he was in the shop when the work in question descended into the place appointed for its reception; and a Bow-street officer deposed, that, looking through a keyhole a little before, he saw him in the room above, to which the money was drawn, and from which the book was supplied to the customer.

Mr. SOLICITOR-GENERAL now moved for the judgment of the Court on the defendant.

The LORD CHIEF JUSTICE read his notes of the trial.

An affidavit of the defendant was then handed in and read by the officer. It stated that the defendant verily believed that he ought to have been tried by a petty instead of a special jury, because Mr. Justice Blackstone said that informations were so to be tried; that the verdict was contrary to law; that the Lord Chief Justice told the jury that it was a libel to deny the divinity of Jesus Christ, though there was a specific Act of Parliament allowing Unitarian Christians publicly to deny it; and that two of the witnesses for the prosecution, Purton and Smith, had made statements inconsistent with each other.

The LORD CHIEF JUSTICE explained, that the words "Petty jury," used by Mr. Justice Blackstone, were not opposed to "Special jury," but to "Grand jury." A special jury was in effect a petty jury. The meaning of the passage was, that though informations were filed without the intervention of a jury, yet they must ultimately be tried by jury like indictments.

The defendant urged, that special juries were intended for the trial of great mercantile questions, to the decision of which common juries might be inadequate, and not for the trial of offences. His trial had been delayed by instituting the prosecution in that Court, instead of the sessions, and he had been detained in Newgate. He again argued that the statute was never intended to apply to cases of misdemeanor.

Mr. Justice BAYLEY read the clause [in the act, which expressly named misdemeanors among the matters peculiarly for the cognizance of special juries.

The defendant then adverted to the observation of the Lord Chief Justice, respecting the denial of the divinity of Christ, which he contended might influence the verdict.

The SOLICITOR-GENERAL rose for the purpose of reading from his notes what the Lord Chief Justice had actually said. He stated that one of the jury applied to his Lordship for his opinion, whether it was a libel to deny the divinity of our Saviour, to which he replied, "Undoubtedly it is, to deny it in the terms of this publication, and to assert that he is an impostor and a murderer. There can be no doubt that such language applies to our Saviour, is libellous."

The LORD CHIEF JUSTICE assented to the correctness of this statement, and added, that his answer having been interrupted, he again, that there might be no misapprehension, stated that it was libellous to deny the divinity of Christ, in the terms used in the passages indicted. This publication must be offensive to every class of Christians.

The defendant continuing to urge the statute repealing the penalties of the Blasphemy Act as applying to the opinion delivered by the Lord Chief Justice,

Mr. Justice BAYLEY observed, that the defendant seemed altogether to mistake the meaning and operation of the statute. It merely repealed certain penalties which previous acts had affixed to the impugning the doctrine of the Trinity, but it left the common law as it stood before. There could be no doubt that to write of our Saviour in the language charged by the information, was a libel at common law.

The defendant then urged that the evidence against him did not, even if believed, charge him with selling the work; that the witnesses contradicted each other; and that, if he were allowed, he could show by a plan of the premises, that the testimony of the witness who deposed to seeing him through the key-hole must of necessity be false.

THE COURT inquired if the defendant had finished his argument for a new trial: to which he answered in the affirmative.

Mr. Justice BAYLEY gave his opinion that there was no foundation for the motion for a new trial. Setting aside every point in the evidence which the defendant proposed to dispute, there would remain the fact that he succeeded another person in the house, and that in that house there was a contrivance for the sale of blasphemous and seditious publications, without any attempt on his part to show that he had let the rooms to another, or ceased to have control over them. He had therefore lent himself to the commission of a crime, and was amenable for that crime to the law.

The defendant begged to reply; but was informed that he could not reply on the judgment of the Court. He said, "Mr. Evans had often replied on the Court."

Mr. Justice HOLROYD and Mr. Justice BEST expressed their concurrence in the opinion delivered by Mr. Justice Bayley. The latter adverted particularly to the alleged misdirection of the Lord Chief Justice, in answer to the question respecting a denial of the divinity of Jesus. There was no doubt that, to speak of the Saviour as an impostor and a murderer, was an offence at common law, and no statute was ever passed—nor while the Legislature was constituted as at present, would any statute ever be passed—to render such language lawful. The statute alluded to extended the Toleration Act to persons who denied the divinity of our Saviour, and who were before excluded from its protection; and further, it repealed certain penalties imposed on such persons by 9 and 10 William III., but it left the common law untouched; and at this day it was undoubtedly an offence to deny that Christ was the person whom he represented himself to be, when on earth.

The Court asked the defendant if he had any thing to urge in mitigation of punishment.

Waddington then took a small Bible from his pocket, and began to address the Judges. He said that he stood now before them to receive their sentence, but they must one day appear before the God of the universe to answer for what they would this day do. Then, when the great book of crimes should be opened, they might find that they had sold the righteous man, and oppressed the poor, and might hear passed on them the awful sentence "Depart ye wicked, into everlasting fire prepared for the devil and his angels." Those who now sat in high places, might then call on mountains to fall on them, and the rocks to cover them from the wrath of an unerring Judge. Far be it from him to say, that they might not depart from evil and be forgiven; but if they proceeded in their present course, they would be brought to condign punishment in the world to come. If he had the powers of Demosthenes, he should require them all to set forth the injustice done him—

The LORD CHIEF JUSTICE.—We must not suffer ourselves to be insulted.

The defendant continued.—These prosecutions would make at last a nation of Deists; for they sharpened curiosity so much, that the work indicted had sold with astonishing rapidity since it was prosecuted, and was out of print in a few days. For himself he now waited for the sentence that the Court might pass on him, satisfied that he should obtain that justice hereafter, which was denied him here.

Mr. SOLICITOR GENERAL shortly spoke in reply. He denied that the defendant had any hardship to complain of: the Court, the jury, and the counsel for the prosecution had all treated him at his trial with forbearance, and allowed him the fullest latitude of defence. This was exactly the case pointed out by Mr. Justice Blackstone in the passage cited by the defendant, as one which called for the exercise of the powers with which the Attorney-General was intrusted: it was a great public misdemeanour affecting the morals of the people, and obstinately pursued in one of the most public places in the metropolis, where it was felt to be an intolerable evil. This nuisance, the public voice called on the officers of the Crown to destroy, and they trusted that by their exertion it would be finally abated.

The Judges consulted together for some minutes, after which

Mr. Justice BAYLEY proceeded to pass on the defendant, the judge-mate of the Court. He said that there was one thing in the defendant's conduct of which he must approve—that he had not denied in his affidavit that he was connected with the shop in which the work was published; and from this, he was induced to hope that he was unwilling to swear that which he knew to be false. In this country, perhaps, more than in any other, free toleration of religious opinion was conceded; every man might worship God according to his conscience; but publications like the present, containing continually and slander on all religion, had never been tolerated by law, and he trusted never would receive its sanction. The law allowed men fairly and temperately to discuss the evidences on which our faith rested; but this was no discussion of the evidence of Christianity, but a violent and intemperate declaration against it. The defendant had reminded the Court of that day when all must give an account of the manner in which they had discharged their duties in this life; he trusted that all the Judges acted daily under the sense of this awful responsibility, and that finally they would be able to

render a good account to the great Judge of all. They acted with this feeling, in apportioning that sentence which they were now to pass. In determining it they had considered all the circumstances—that the work had been prosecuted before, and that some contrivance had been used to enable the sale to be conducted with safety. The defendant had urged that mischief was done by prosecutions of this kind: but the Court did not institute these prosecutions nor call upon the defendants for judgment; they were conducted by those who had a right to commence them, and when the parties whom they prosecuted were brought before the judges, they had no duty but to pronounce such sentence as appeared due to the crime. Taking all the circumstances into consideration, the Court adjudged that the defendant should be imprisoned in the House of Correction in Coldbath Fields for one year, and at the expiration of that time, should give security for his good behaviour for five years, himself in £100., and two sureties in £50. each.

The defendant asked if he might not be permitted to see his friends.

Mr. Justice Bayley informed him, that the Court could make no order, as the prison was under the direction of the magistrates.

The defendant then left the Court with an intimation that he would acknowledge the justice of his sentence, when some great delinquents were brought to punishment.

Latest French Papers.

Paris, Thursday, Dec. 5.—Yesterday before the council the King transacted business with the Minister of War, and the Duke of Angouleme with the Minister of the Marine.

On Tuesday evening a cabinet courier was despatched for Madrid by the Duke of San Lorenzo, the Spanish Ambassador in Paris. M. Villanueva, appointed Minister from Spain to the Court of Rome, and who lately passed through Paris on his way to his destination, was, on his passage through Turin, officially informed by the Pope's Nuncio at that Court, of a decree passed by His Holiness, according to which M. Villanueva would not be received in his quality of Minister to the Holy See. M. Villanueva then determined to proceed to Genoa, whence he despatched one of the persons of his suite as a courier to Madrid, to give an account to the Government of the Pope's decree, and to ask instructions for his future conduct.—*JOURNAL DES DEBATS.*

The CONSTITUTIONNEL announces that the Prussian Chancellor, Prince Hardenberg, died on his journey to Venice. It was not at Venice, but at Genoa, where he arrived on the 14th that this minister terminated his long and memorable career. His death will, perhaps, lead to great changes in the Prussian Cabinet, of which he was the chief, with an extremely extensive power; but for two years past he made no use of his power, as his great age prevented him from applying to business.—*ibid.*

A letter from Munich, dated the 26th ult., states that on the preceding day the marriage contract between the Prince Royal of Sweden and the Princess Josephine of Leuchtenberg was signed on the part of the King of Sweden by Count Wetterstedt, and on the part of his Bavarian Majesty by Count Rechberg.

Extract of a private letter from Perpignan:—"Just as it was expected, the Baron d'Eroles, not being in force at Belvar, retreated, and left on that point only a weak corps, which did not hold out half an hour.

"Mina entered Puycerda on the 29th of November, at nine in the morning. The soldiers of the Army of the Faith fell back on Bourg-Madame, and took a position under the walls of the gardens, where, on an intimation from M. Lavit, chief of battalion of the light infantry, who commanded the French troops at that point, they laid down their arms. Mina's troops immediately ceased firing. They inquired for the French commander, and informed him that they would respect the frontier of France.

"The troops of the same General (Mina) pursued those of the Baron d'Eroles in the mountains on the left of Puycerda, as far as nearly to the village of Ur. The latter also defended themselves on the extreme frontier, and laid down their arms on being desired so to do, by chief of battalion Lafeuvre.

"The different parties of the Army of the faith have taken refuge in France. Those who penetrated into the valley of Andore, evacuated it on the first order of the Syndic. Mina showed a great respect to the privileges of that valley.

"The French troops were under arms and in position on all the points where these actions took place."—*Moniteur.*

Madrid, Saturday Nov. 16.—An article in the UNIVERSAL of yesterday contains the following passages:—

"It is impossible that the judicious men of Spain should not feel that if at the moment of the present crisis we should consent to touch a single article of the constitution, fear and discouragement would take

possession of every mind, and that the social edifice would fall in ruins, by opening a passage for despotism to come and execute, without being resisted, the atrocious vengeance that it meditates.

"The harmony which exists between the public authorities in Spain, and the concert with which we see vigorous measures are adopted for the defence of liberty, tranquillize, with respect to this point, all those persons in Europe who are interested in the fate of Spain, and we believe that all the artifices which the French Government makes use of to weaken and divide us will prove ineffectual.

"Let the Cabinet of the Tuilleries place the direction of public affairs in the hands of the fanatical zealots, and without delay they will openly declare war against Spain. To speak candidly, it must be acknowledged, that such a frank and straight-forward course of conduct would carry with it an appearance of greatness which might give a more favourable colour to the blind fury of our enemies. They would not, perhaps, attain their end, but prudence requires that Spain should fear the worst, that it may not experience the dreadful misfortune of being surprised. The friends of Spain and of liberty behold with satisfaction the choice which the Government has made of Generals Mina, Torrijos, and Velasco, and they hope soon to hear that the factions have abandoned the three posts of Irati, Mequinensa, and Seo de Urgel. But these advantages are not sufficient. It is necessary that an army of reserve should be organized, which may act as the safety of the state shall require. The friends of liberty would desire to see the illustrious and valiant General Ballasteros at the head of this army. His former services would be his recommendation to all Europe, and particularly to the French warriors, who are enthusiastic admirers of glory and military talents.

"Finally, let the Spanish people do what the French people and its national representation did at the memorable period when the Manifesto of the Duke of Brunswick made its appearance."

Dinner to Mr. Moore in Paris.

(From Galigani's Messenger.)

We have been favoured by a friend who was present at M. Moore's dinner, with the following attempt at a report of what that gentleman said, in proposing the toast of "Prosperity to England": "As the noble Chairman has, in compliment to the land of my birth, given the ever-welcome toast of 'Prosperity to Ireland,' I beg to suggest a similar tribute to that other country, to which we all belong, and to whose real greatness and solid glory—all Irishman as I am, and with my political and historical recollections fresh about me—I am most ready to bear testimony and homage before the world. Yes, Gentlemen, there may be, and there are (for God forbid that I should circumscribe virtue within any particular latitude), there may be, and there are, high minds, warm hearts, and brave arms, every where; but for that genuine high mindedness, which has honesty for its basis—the only sure foundation upon which any thing lofty was ever built—which can distinguish between real substantial greatness and that false, inflated glory of the moment, whose elevation, like that of the balloons, is owing to its emptiness, or if not to its emptiness, at least to the levity of its freight; of that good faith, that punctuality in engagements, which is the soul or all commercial as well as of all moral relations, and which, while it gives to business the confidence and good understanding of friendship, introduces into friendship the regularity and matter-of-fact steadiness of business; for that spirit of fairness and liberality among public men, which extracts the virus of personality out of party zeal, and exhibits so often (too often, I am sorry to say, of late) the touching spectacle of the most sturdy political chieftains pouring out at the grave of their most violent antagonists such tributes, not alone of justice, but of cordial enmity, as show how free from all private rancour was the hostility that separated them; and, lastly, (as I trust I may say, not only without infringing, but in strict accordance with that wise fact, which excludes party politics from a meeting like the present), for that true and well-understood love of liberty, which, through all changes of chance and time, has kept the old vessel of the Constitution seaworthy—which, in spite of storms from without, and momentary dissensions between the crew within, still enables her to ride, the admiration of the world; and will, I trust in God, never suffer her to founder; for all these qualities, and many, many more, equally lofty, and equally valuable, the most widely travelled Englishman may proudly say, as he sets his foot once more on the chalky cliffs, 'This is my own, my native land, and I have seen nothing that can, in the remotest degree, compare with it.' Gentlemen, I could not help, in that fullness of heart, which they alone can feel towards England who have been doomed to live for some time out of it, paying this feeble tribute to that most noble country, nor can I doubt the cordiality with which you will drink—'Prosperity, a long prosperity, to Old England.'"

LAW INTELLIGENCE.

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Bishop of Clogher.

METROPOLITAN COURT OF ARMAGH, OCTOBER 21, 1822.

The Office of his Grace the Lord Archbishop of Armagh, Prelate and Metropolitan of all Ireland, at the promotion of Thomas Tilly, the Proctor of said office, against the Honourable and Right Reverend Percy Jocelyn, Lord Bishop of Clogher, and one of the Suffragan Bishops of the Metropolitan Church of Armagh.

This cause of Office was this day called on for hearing in the presence of his Grace the Lord Primate, and of four of his Suffragan Bishops, viz.—The Lord Bishops of Kilmore, Derry, Dromore, and Raphoe, and of the Right Honourable Doctor Radcliffe, his Grace's Vicar-General, and of other distinguished personages. The Bishop of Clogher having been thrice called in open Court did not appear; and in view of his contumacy and contempt, the cause was proceeded in to an hearing, and to its final determination.

Sir Henry MEREDYTH, the leading Advocate for the Office, stated the case. He lamented the absence of the Right Reverend Prelate, which had occasioned much inconvenience, delay, and exposure, which might otherwise have been prevented. The Bishop of Clogher is an Ecclesiastic, and as such subject to the laws of the Church. He has been for many years a Priest in Holy Orders. In the year 1809 he was promoted to the united Bishopric of Leighlin and Ferns; on that occasion he was duly consecrated and enthroned; and he then swore canonical obedience to the then Archbishop of Dublin as his Metropolitan, and subscribed to the canons of the Church. For eleven years he acted as the Bishop or Pastor of that Diocese, and with a character and conduct which did honour to himself and his high office, in so much that in the year 1820, and a little more than two months, after the succession of his present Majesty to the throne, he was deemed worthy of advancement, and was accordingly translated to the See of Clogher, and to its high honour and advantages. The Canons of the Church prohibit the commission of those offences of which he stands charged, under the heaviest penalties of the law, and it is for the violation of the 42d Canon, and under its authority, that this cause of deprivation is now proceeded in against him. The particular facts which constitute that offence, are fully detailed in the pleading and the written evidence. That evidence also proved the fatal and depraved purposes for which he associated himself with a private soldier, wholly beneath him in rank and station, as the unworthy and vicious partner of his depravity and guilt. The place chosen by him for that base purpose was also unfitted to him as a Prelate of the Church, and a man of his high rank and station; it was a common alehouse, situate in St. Albans Place, in the city of Westminster, and county of Middlesex, in England. In his career of vice, he was fortunately, nay, he would add, he was providentially arrested before he had perpetrated the last foul act or crime which he himself designed; and by which, if committed, his life would have been forfeited to the offended laws and justice of his country; the many witnesses to his disgrace and degradation too plainly showed and convinced him of their full knowledge of his base acts and purpose. He then became dejected and desponding, and in terms and tone of agony and despair, he called upon that Great God in whose presence he had so lately and so grievously offended, for his protection and deliverance; his prayer was graciously heard—his life was spared to him, no doubt, for wise and merciful purposes. He was arrested by the watchmen and others, and in a situation disgraceful and degrading to him, he was made a prisoner, in order that he should be removed to the watch-house of the district in which he had committed his many acts of indecency and crime. He endeavoured, but in vain, to dissuade the persons in charge of him from their purpose. On his removal, and close to that public-house in which he had been detected and arrested, he was seen and recognised by a respectable gentleman of Ireland, who, from his previous knowledge of his dress, person and appearance, has been examined to and proved his identity. He had upon him at the time his usual and proper habit and dress as a Bishop or Dignitary of the Church. As he was advanced in custody to the watch-house, and was surrounded and insulted by many persons who pressed upon him, and in a situation degrading to himself and his high office, he approached to and passed the gates of Carlton Palace. What his sensations and sentiments were or must have been on that occasion, may be conceived, but cannot be expressed; he must have then felt that he was "fallen." That feeling he himself displayed at that moment in a strong convulsive but ineffectual struggle for his release and enlargement, a circumstance, too, that is of value in the ascertainment of his guilt and identity. At the watch house, the Bishop and his associates were taken before Latchford, the constable, and, after the witnesses had made their charges, he refused to divulge his name. Even at that moment the Bishop bore upon his person strong evidence of, and by his act and expressions at the moment, fully admitted his guilt. During a

search, the Bishop was observed by Latchford to take from his pocket a paper writing, to tear it with violence, and hastily throw the pieces or fragments of it, when torn, into the fire-place of the room in which he then stood. The Bishop was shortly afterwards removed from the room into a cell, or place or solitary confinement, within the watch-house. Shortly after his removal, he was heard by Latchford to cry with a loud voice, and to ask him, "Could he not get bail?" and no reply being given, he asked for pen, ink, and paper, in order that he should write a note or letter. The pen, ink, and paper were given, that he should be thereby enabled to obtain some knowledge of the Bishop's name and address, which were still unknown to him. The Bishop, in an anxious and importunate manner, requested and urged Latchford to send the note as directed. Latchford informed him he did not and could not send it. The Bishop, in a supplicating tone of voice, cried out, and said, "For God's sake send it." But Latchford retained the note, and it is now in evidence and before the Court, and has been proved to be his handwriting. The note is as follows:

"St. James's Watch-house, Vine Street.

"JOHN,—Come to me directly; don't say who I am, but I am undone. Come instantly, and inquire for a gentleman below stairs. 12 o'clock—I am totally undone.

P. C."

And was thus addressed—

"Mr. John Waring,

"21, Montague-street, Portman-square."

This note showed the Bishop's consciousness of his crime, and his anxiety to conceal his name and rank. During the night the unhappy man was intensely engaged in prayer; his supplications were loud and unceasing; and Latchford frequently found him on his knees in devout prayer and devotion. The next day, the 20th of July, the Bishop was taken before Mr. Dyer, the sitting Magistrate, who examined all the witnesses on their oaths as to the charges. The Bishop did not contradict or deny the truth of the charges, but he and the soldier remained silent. The Bishop appeared in the dress of a dignified clergyman. The letter which the Bishop had torn the preceding night was then produced by Latchford, and given to Mr. Dyer. It was of a private nature, and bore the signature and superscription of his nephew the Earl of Roden. That letter was addressed to the Bishop of Clogher; its contents have not been disclosed. But it may be fair to pronounce upon them that they are such as did honour to the head and heart of its writer, and of the man to whom it was addressed. The Bishop claimed the letter, and it was given him, when he tore it to pieces. The note which he had written in the cell was then produced. He was then told by Mr. Dyer his offence was bailable, and that bail to the amount of £500 himself, and two sureties in £250 each, would be required for his appearance, to take his trial at the next Clerkenwell Sessions. He was then asked for his name and address, but he hesitated and refused, till he was informed he could not otherwise be bailed. He then voluntarily, and for the first time, stated that he was the Honourable and Right Reverend Percy Jocelyn, Bishop of Clogher, in Ireland. His bail were then sworn, as to their names, qualifications, and residences. One of them, Mr. J. Fay, swore he was the proprietor of the house No. 21, Montague Street, where the Bishop lodged, and where he had on the preceding night directed his note. The bail being perfected, the Bishop was discharged. At the Clerkenwell Sessions, the Bishops did not attend to take his trial, according to his recognisances.

The evidence was then read in open Court—at full and satisfactory, in the proof of the facts adverted to by the Learned Advocate, in his opening speech, and particularly the commission of those acts which formed the foundation of, and constituted the necessity for the proceedings. When these several documents were all read and entered, Sir Henry Meredyth stated to the Court that the evidence had closed.

Dr. Staples then went over the circumstances of the case to substantiate that the person accused was what he represented himself to be namely, the Bishop of Clogher. The offence and identity of the person accused being thus established, he called on his Lordship to cut off this pestilent member, and discharge his duty to his country and his God.

His Grace the Lord Primate, in the presence of the Lord Bishops, of his Vicar-General, and of other distinguished personages, rose from his seat, and the entire of the auditory then standing, and the Bishop of Clogher being again thrice called, but not appearing, and his contumacy being accused, according to the law of the Court, his Grace proceeded to read the sentence in open Court. When finished, he signed it in open Court, and directed it to be lodged in the Registry of his Diocese, where it now remains a record of these important proceedings, and of their perfect consummation of the absolute Deprivation and Deposition of Dr. Percy Jocelyn from the Bishopric of Clogher, and his Episcopal Order and Authorities.

Libel on the Durham Clergy.

COURT OF KING'S BENCH, WESTMINSTER, NOV. 21, 1822.

THE KING V. JOHN AMBROSE WILLIAMS.

Mr. SCARLETT moved for judgement on this defendant, who was found guilty at the last assizes for the county of Durham, on a criminal information granted by this Court, for a libel.

The LORD CHIEF JUSTICE.—Mr. Brougham moves in arrest of judgment.

Mr. BROUGHAM.—Yes, my Lord, and also for a new trial.

The LORD CHIEF JUSTICE.—Then the defendant is, I presume, in Court?

Mr. BROUGHAM.—He has been here, my Lord; but we did not in the least expect the case to come on to day, and I believe he is gone. I can, at least, move in arrest of judgment, and I dare say he will be here before I find it necessary to state my grounds for a new trial.

Mr. SCARLETT.—I know that the defendant is in town, and has been here this morning. As far, therefore, as I am concerned, I beg to waive any objection to Mr. Brougham's proceeding.

The LORD CHIEF JUSTICE.—Then Mr. Brougham may proceed. You move first for a new trial?

Mr. BROUGHAM.—No, first in arrest of judgment; and then I shall show my grounds for thinking that a new trial ought to be granted.

Mr. Justice BEST then read Mr. Baron Wood's report of the Trial. The learned Judge had stated the verdict to be—"Guilty on the second count of the information."

Mr. BROUGHAM said he should first draw the attention of the Court to the record, and show that it was so defective that no Judgment could be pronounced upon it. This would appear on more particularly comparing the verdict with the information.

Mr. Justice BAYLEY.—The verdict is entered up on the second count of the information.

Mr. BROUGHAM.—No, my Lord; it is on the first count, and is in these words—"Guilty of a libel on the clergy residing in and near Durham, and the suburbs thereof."

Mr. SCARLETT.—No, it is on the learned Judge's notes.

Mr. BROUGHAM begged to refer to the record.

Mr. Justice BAYLEY accordingly looked at the record. The endorsement on the notes corresponded with the learned Judge's notes, but the record itself was in these words—"And the jurors aforesaid say that he the said defendant is guilty of so much of the first count as charges a libel on the clergy residing in and near Durham and the suburbs thereof—and as to the rest of the first count and the other counts of the information, he is not guilty"—which exactly sustained the statement of Mr. Brougham.

Mr. BROUGHAM proceeded.—He would now draw the attention of the Court to the first count in the information, the holy one to which he should have occasion to revert, as the defendant was acquitted on all the others. This count charged him with "printing and publishing a libel, of and concerning the united church of England and Ireland, and of and concerning the clergy of that church, and the clergy residing in and near the city of Durham and the suburbs thereof;" not repeating the words "of and concerning," before the words "the clergy residing in and near the city of Durham."

Mr. SCARLETT asserted, that the words "of and concerning" were in his copy of the information.

Mr. Justice BAYLEY read the passage in the record, which proved that Mr. Brougham was correct.

Mr. SCARLETT.—It was so in my copy; I was equally confident with you.

Mr. BROUGHAM.—Yes; but there was this difference—you were confident and wrong; I was confident and right. (a laugh.) The difference was merely between a well-founded observation, and one that had no foundation at all. I only mention this to prevent any further interruptions, of which I have had two already. The learned council then proceeded to take two objections to the record:—first, that the count charged an offence different from that which the jury had found; and, second, that the offence of which the jury had found the defendant guilty, supposing it to be the same with that stated, was in itself too vague and uncertain to be made the foundation of any judgment. And first he would contend that the information charged one offence, and the jury had found another. The count set forth the libel as "of and concerning the united Church of England and Ireland, and of and concerning the Clergy of that Church, and the Clergy residing in the city of Durham and the suburbs thereof;" and the jury had found that there was no libel on the united Church or the Clergy thereof, but on the Clergy of Durham. Now he would contend that, even if the words "of and concerning" had been repeated, and even if the clergy of Durham were a

body distinct from the body of the united Church—thus putting the case far stronger, than it was for the prosecution—that the description was one entire description, and could not be severed. Not only was there no separate count for a libel on the Clergy of Durham (the introduction of which would have been the easiest thing in the world), but there was not even in this count any undivided averment of a libel on them. Suppose a libel were charged "of and concerning A and B;" and suppose A and B were distinct persons, entirely unconnected with each other; and the jury found that the libel was concerning "A" only, they would find an offence different from that of which they were charged to inquire. There was a case, not nearly so strong as this, that of "Lewis and Walter," which had been argued, but which the Court had not yet decided, where a similar objection was taken, and where the leaning of some, if not all the judges, seemed strongly in favour of the objection. There the defendant was charged with a libel "of and concerning the plaintiff, and of and concerning him as an attorney;" at the trial there was no proof of his professional character, and the Lord Chief Justice accordingly nonsuited the plaintiff, because, though the publication would be a libel on him in his personal character, he held the plaintiff bound by his averment, and that it was one description of one wrong. The case cited in argument for the plaintiff of "Dickens v. Cogswell," was clearly inapplicable; for there the averment "of and concerning the plaintiff as an appraiser and a carpenter" was clearly parlable; and so the Court seemed to regard it. But the present case was far stronger than "Lewis v. Walter," because here, instead of referring to two distinct characters of the same person, or two distinct individuals like "A and B," the clergy of Durham (if they meant any person at all) were included in the previous description, "of the clergy of the united Church." It was as if the charge had been "of and concerning a certain community," and "of and concerning a certain person as a member of that community;" in which case the libel, if any thing, would be a libel on the community, as the member qua member could not be severed from it. But here the defendant was actually acquitted of libelling the clergy in general; and yet found guilty of libelling a body who only had existence as a part of this clergy; and this without any distinct allegation, or any divisible averment. Here he might advert to the uncertainty of the description, which he should make a substantive objection, as strengthening that which he was now urging; for even this part of the church—at best to be so taken—was so vaguely described, as, when severed from the rest, to mean nothing. If the description of the clergy of Durham was explained as referring to some part of the "united church," then the acquittal applied to the larger, included the less; if it was taken independently, then it referred to no recognized body, and had no meaning at all. This brought him to the second objection—that the offence charged was altogether uncertain. First, there was nothing to define the exact meaning of the word "clergy"—nothing whatever to limit it to the ministers of the Established Church.

Mr. Justice BEST.—Are dissenters ever called clergy?

Mr. BROUGHAM replied that they were so called in many acts of Parliament; among others, in the 48th of George III., which in its title purported to be "An Act concerning the Clergy of Scotland." But if the dissenting preachers were not legally denominated clergy, (and he contended that they were), the Catholic priests had unquestionably a right to the title; they were so treated in the acts of Henry VIII.; and they had only to adjure to become at once in full orders, and to receive the highest dignities of the church. At this very time there was a Bishop who had never taken orders in the Protestant church, but had merely passed from the Romish church into ours. The term "clergy," therefore, was altogether vague without further explanation; for it was impossible to import that part of the description of which the defendant had been acquitted, into the other part of which he had been found guilty: on the contrary, the opposite finding seemed to negative all connexion between them. Next, what was meant by the term "near?" Was it one, or two, or ten, or twenty miles? Each man would reply according to his own ideas of nearness, and perhaps no two persons would agree as to the limits within which the libelled clergy resided. The term "suburbs" was again ambiguous; so that here was a further latitude of proximity almost running into distance. (a laugh.) Here, then, the word "clergy" was ambiguous; the class of clergy was ambiguous; and if the Court could find no meaning in what the jury had found, they would not look for it in what they had negatived. And now leaving these points, he would contend that even supposing the clergy of the Established Church in the city of Durham to be intended, these did not form a body whom the Court meant to protect when they granted the rule. At the time when the rule was argued, the publication was called "A libel on the Church of England;" Mr. Scarlett demanded protection for that church; the Lord Chief Justice three times interrupted the argument when proceeding on the ground that the clergy of Durham were the applicants, by observing, "this is a libel on the church of England;" and when he (Mr. Brougham) contended that it applied only to the clergy of Durham, he was met by the same answer. Now, he did not believe that the Court ever would have granted the rule had it been applied for in the terms of the verdict, "for a libel on the clergy residing in and near the city of Durham and the suburbs thereof; for

whenever the Court had thus interfered, it was either on behalf of some individual, or some definite body of men recognized by the law. Every case cited by Mr. Scarlett on that occasion was consistent with this principle. The King v. the Justices of Staffordshire was entirely of this nature; for where could be found a more definite body of men than those in the commission of the peace for a particular county? In the case where application was made against certain justices of Middlesex sitting in Lichfield-street, the motion was refused until affidavits were produced showing what particular Magistrate sat there, and then the rule was granted. In "the King v. Jerome," which was a libel on the Directors of the East India Company, the information was granted, because the Directors were a distinct body, chartered by Act of Parliament, and not like the counsel at a particular bar, or a particular circuit. The case of "the King v. Orme and Nutt," reported in 1 Lord Raymond 486, was also more fully reported as to this particular point in Salkeld, 224.

Mr. Justice BAYLEY.—Third Salkeld is a very questionable authority: it is not like the first and second volumes of those Reports.

Mr. BROUHAM said he was aware of this, and he would not have quoted it had it differed from the report in Lord Raymond; but it was consistent with it, and only carried the statement a little further. In Lord Raymond it appeared that the libel was on "certain ladies of London," which was removed by *cetiorari*, because the Recorder stated that he thought himself affected by it (*a loud laugh*); and in Salkeld it was laid down that "where a writing inveighs against mankind in general, or against a particular order of men—as for instance men of the gown—it is no libel; but it must descend to particulars and individuals to make it libel." In Lord Raymond it appeared that more specific averments to point out the individuals designed was necessary, and probably these were supplied.

Mr. Justice BAYLEY.—Yes; because you cannot say a writing is false and scandalous unless you know to whom it applies.

Mr. BROUHAM replied that this was precisely his argument. He then came to "The King v. Osborne," which had been cited by Mr. Swanson, a reporter to whose industry and research the profession were greatly indebted, and who had searched the MSS. in Lincoln's-inn Library for his materials, in the notes to the case for the Bedford charity, which was argued in Chancery in 1818, and where the legal relation of the Jews came chiefly in question. This was a libel charging that certain Jews who had lately arrived from Portugal and lived near Broad-street, had murdered a woman and her child, in consequence of which numbers of persons were assaulted, and terrible riots were excited. It was one of those charges on bodies of men of systematic murder which were frequently made in dark times to inflame the passions of their bigoted neighbours, and which called imperiously for the interference of courts of justice. In that case, the judge seemed to consider the information as improper for a libel; but regarded it as good for a great misdemeanor, which it was absolutely necessary to repress. He had now finished his argument in arrest of judgment, and hoped that he had shewn enough to induce the Court to grant a rule to show cause.

The LORD CHIEF JUSTICE intimated that it would be more convenient to hear the whole case now.

Mr. BROUHAM said he would proceed very shortly to state his grounds for a new trial; and he thought, that even if the Court should not see in the variance between the information and the verdict, sufficient reason for arresting the judgment, they would suffer the argument strongly to incline them to a new trial. If they saw that they had granted the information for one offence, and the defendant had been found guilty of another—if he had actually been acquitted of that which was urged before them, and convicted on a ground hardly, if at all, in the contemplation of either side—they would feel disposed to submit the case to another jury. The defendant was placed in a most unfortunate situation by the course of proceedings; for had the rule been moved for on the ground upon which he was found guilty—he had been specifically applied for solely on behalf of the Durham clergy, the Court would never have waved the salutary practice of compelling each prosecutor to show, by his oath, that he came into court with clean hands. Then the defendant would have had the opportunity of showing the offences of which each individual had been guilty, and of proving by affidavit the truth of every title of his charges. At the trial, the counsel for Mr. Williams were entirely misled by the notice of the record, and by the speech of the prosecutor's counsel. The case (as the learned Judge might testify) proceeded entirely on the question whether the publication was a libel on the Church of England: and to this point all the reasoning of him (Mr. Brougham) was directed. Had he supposed that his client was called on to answer for a libel on the Durham clergy, he would not have expended all his strength in showing that it was not a libel on the Established Church. He should not have made quotation after quotation from the works of pious men to show how that church had been characterized; but he should have bent all his strength to show that the paragraph contained no libel on the clergy in and near Durham. On that point he had not yet been heard; of that on which he had been heard the defendant was acquitted; of that on which he had not been heard, he was found guilty. Had he been duly apprised

that this was the pith of the information, and applied himself to that point, the Jury might have arrived at a different conclusion. His next ground for a new trial was, that the verdict was against evidence, because the Court charged the defendant "with printing and publishing," and the witnesses for the prosecution expressly proved that Mr. Williams was not the printer.

The LORD CHIEF JUSTICE asked if the newspaper did not purport to be printed by Mr. Williams?

Mr. SCARLETT said he had not the particular paper proved; but he had another paper which purported to be printed and published by an for the defendant.

The LORD CHIEF JUSTICE observed, that, at all events, the objection might be obviated by applying to the learned Judge, for leave to amend the verdict by entering it on another count for publishing only.

Mr. BROUHAM said, he did not rely on this point, though he thought it right to mention it. His next ground was the mis-direction of the learned Judge. And first, Mr. Baron Wood in his charge told the jury, "The Court of King's Bench have been of opinion that this is a libel, and a fit subject for prosecution." Now the first part of this direction was incorrect; the Court had not given opinion that it was a libel; but had merely given opinion that it was a fit subject for a jury to consider whether it was or was not a libel. But if the jury supposed that the case was merely sent to them to execute the opinion of the Court—

Mr. Justice BAYLEY.—He did not tell them that, I suppose?

Mr. BROUHAM.—No; but they might infer it.

Mr. Justice BAYLEY.—Did he not tell them what his own opinion was.

Mr. BROUHAM.—Yes; and that is another ground for a new trial.

The LORD CHIEF JUSTICE.—Then almost every Judge who has tried a case of libel since the act passed has been in error; for it has been the uniform practice for the Judge to state his opinion, leaving the jury to exercise their own judgment.

Mr. BROUHAM.—Undoubtedly; but he ought not to state it as the opinion of the Court, who have only said that it is a fit subject for inquiry.

Mr. Justice BENT.—Is it more than saying "the grand jury have found a bill?"

Mr. BROUHAM submitted that it was very different; it was almost overwhelming the minds of the jury, to tell them in effect that if they found the publication not a libel, they differed from the highest criminal court in the kingdom. His Lordship also said, "I am required by law to give you my opinion." Here again he was incorrect; he was not required, but only authorized to give his opinion, as in other cases; and Lord Ellenborough once, in a similar case, having inadvertently used the word "required," corrected himself, and substituted "not required, but it is expected of me."

Mr. Justice BAYLEY.—Do you really think you can prevail on the Court to grant you a new trial, because a judge has used the word "required" instead of "authorized"? He does not say, I presume, that he is dissatisfied with having said so?

Mr. BROUHAM.—No; the report is silent on that subject: he says nothing either way. (*a laugh*) The learned Judge also broadly stated—"Every publication tending to bring an establishment of this country into hatred or contempt is a libel." This was much too wide: it might be in the highest degree praiseworthy to try to bring an establishment into hatred and contempt—to show that its abuses must be corrected, or even that it must be done away; the propriety or impropriety of such an attempt would depend on the manner in which it was pursued. There were many excellent men who had exerted all their powers to abolish some of our establishments; and who had passed lives of honourable toil for this purpose without reproach. That which at one time was useful, might become noxious at another; and was it not then to be brought into hatred and contempt in order to its removal? The Small Pox Hospital, for example, was of the highest utility when it was founded; but after the vaccine inoculation was discovered, it became pernicious; and Lord Ellenborough intimated that it might be prosecuted as a pest-house, unless its baneful effects were prevented: yet here was an establishment, chartered by act of Parliament, and at one period among the noblest of our charities. There were other establishments which it might be the duty of all good men to expose. For instance, the office of third Secretary of State. (*a laugh*) Was it a crime to show that this establishment was useless—to cover it with ridicule—to show that it was despicable and abominable in the existing state of the country?

The LORD CHIEF JUSTICE.—I am not prepared to say that this may be done by publication. There is a place where such arguments may be used with freedom. At the same time, I do not say that an argumentative discussion of the establishment designed to show its inutility would be a libel.

Mr. BROUGHAM.—In that I entirely agree; the whole distinction lies in the manner, and distinction the learned judge never submitted to the jury.

Mr Justice BOST.—Yes; because he says any publication tending to bring an establishment into "contempt;" that cannot be by fair discussion.

Mr. BROUGHAM.—O yes, my Lord. To bring that which is pernicious into contempt is the object of all discussion, and even ridicule is often a fair weapon. I am sure we should not be now sitting under a reformed church—that "united church" of which the information speaks would never have existed—but for the use of this weapon against Popery. These (continued the learned counsel) were the grounds for asking a new trial, in case the judgment should not be arrested; but he again submitted, on the two points which he first brought to the consideration of the Court, that the record was so inconsistent with the finding, and so imperfect in itself, that no judgment could be founded upon it.

The LORD CHIEF JUSTICE.—You do not mean to say that the learned Judge did not leave the question at last to the jury?

Mr. BROUGHAM.—Certainly not, my Lord.

The LORD CHIEF JUSTICE consulted with the other judges for a few minutes, and then said, "You may take a rule to show cause why the judgment should not be arrested; but we all think that you have laid no ground before us for a new trial. The points in arrest of judgment are those on which you yourself chiefly rested."

Mr. BROUGHAM.—I relied on them chiefly, without doubt.

Mr. SCARLETT.—My learned friend would rather have the verdict he has at present, than any that a new trial would give him.

The LORD CHIEF JUSTICE.—Will you consent to a new trial, then, Mr. Scarlett? (a laugh.)

Mr. SCARLETT said, that as the defendant was in town, it would be desirable to know whether the case could come on this term.

The LORD CHIEF JUSTICE replied, that it was quite impossible that it could come on during the present term.

Mr. BROUGHAM took his rule to show cause why the judgment should not be arrested.

After the argument of the case had begun, Mr. Williams came into Court. He has been daily in attendance during the past week, in expectation that the case would be heard, and was present in the early part of the morning, but retired, as no chance appeared to exist of its being taken. After his return, he remained in Court till the rule to show cause was granted.

Glasgow University.—Election of Lord Rector.

Never upon any occasion was greater anxiety in an election of a Lord Rector for this University displayed than the present. Each student seemed to vie with each other who would gain the most votes for his favourite candidate. Though the exertions used by each of the different parties had been to gain them the first honours in the State, more could not have been done by them to have obtained these than was done to carry the candidate of their side. Each held in the most favourite light his favourite candidate, and circulated bills exhibiting the different attainments. After the students and professors were assembled in the morning, in the Common-hall, the greatest anxiety seemed to prevail, and the greatest emulation to exist among the supporters of both candidates, each maintaining that they would carry the day, and at intervals the walls of the hall resounded with the names of Scott and Mackintosh, but even at this time it was seen Sir James Mackintosh would carry the election. So soon as the students had been divided into their different nations, their anxiety to know the termination of the poll seemed, if possible, to increase after the nations were inclosed in their different classes; and after the election had begun, the supporters of Sir James Mackintosh at once saw how the election would go and with their thundering voices seemed determined to communicate with the other nations in the other rooms how matters were going on. The poll draw to a close, Sir James Mackintosh, by outstripping majorities carried every nation. In the Glottani he had 94 of a majority; in the Londani 69 in his favour to 18 against him, and in all other nations equal majorities. After the election was over, each nation named a reporter to communicate to the Lord Rector who was elected to be Rector in the nation to which he belonged, and the reporter of the nation to which the new-elected Rector belonged proceeded to the Common-hall, and to the students there assembled announced in Latin who had been elected new Lord Rector. On the announcement of Sir James Mackintosh having been elected, to give any adequate idea of the shouts which resounded from wall to wall is impossible. The announcement of the election was in the following terms:—

In Comitatu Universitatis Glasguensis
Decimo Quinto Novembris—Anno Millesimo
Octingentesimo Vigesimo Secundo,

Quod felix faustumque sit,
Vir admirum Honorabilis.
JACOBUS MACKINTOSH, Eques Horatus,
Electus est Rector Magnificus hujus Uni-
versitatis, in annum sequentem,
Plaudite.

Mr. JEFFREY then addressed the students as follows:

GENTLEMEN.—Though I believe I have no longer any right to address you in an official capacity, yet I cannot take my final farewell of you without once more returning you my thanks for the indulgence I have uniformly met with at your hands, and offering you my congratulations on the choice you have made of a Rector, who is destined, I am firmly persuaded, far and lastingly to eclipse the undeserved popularity of his predecessor. I think it right also to explain, in a few words, the grounds upon which I, along with the great majority of those who now hear me, have given him, on this occasion, the preference over his illustrious competitor. Between two such candidates it might well have been thought difficult to choose; and if the result of our decision had been supposed to depend on any comparative estimate of their general merits, I should certainly have felt the task of selection to be one of infinitely greater difficulty and delicacy than that which we have actually had to discharge. Sir Walter Scott, in point of inventive genius, of discrimination of character, of reach of fancy, of mastery over the passions and feelings of his readers is undoubtedly superior not only to his distinguished competitor in this day's election, but probably to any other name in the whole range of our recent or ancient literature; and to these great gifts and talents I know that he adds a social and generous disposition, which endears him to all who have access to his person, and has led him to make those splendid qualities subservient to the general diffusion of kind and elevated sentiments. By this happy use of these rare endowments he has deservedly attained to a height of popularity, and an extent of fame, to which there is no parallel in our remembrance; and to which, as individuals, we must each of us contribute our share of willing and grateful admiration. But what I wish to impress upon you is, that those high qualities are rather titles to general glory than to academic honours: and being derived far more from "the prodigality of nature" than the successful pursuit of study, have their appropriate reward, rather in popular renown than in the suffrages of societies dedicated and set apart for the encouragement of learning and science. The world at large is Sir Walter Scott's University—in which he studies and in which he teaches: and every individual who reads is a concurrent suffragan for the honours he has earned from the public. We, however, are not met to-day merely as a portion of that public, or to express as individuals what we owe to its benefactors. We are met as members of a learned body, a society consecrated to the cultivation of those severer studies in which the perseverance of the young should be stimulated by the honours which they help to confer on those who have made the greatest advances; and acting in this capacity, and with a due sense of the ends of the institution in which we are united, we ought, it rather seems to me, on an occasion like this, to take care that we are not too much dazzled with the blaze of that broader and more extended fame which fills the world beyond us. Now it appears to me that in all the attainments which are to be honoured in a seat of learning, Sir James Mackintosh is as clearly superior to his competitors as he is inferior perhaps in the qualities that entitle him to popular renown. In profound and exact scholarship—in learning, properly so called, in all its variety and extent—in familiarity with all the branches of philosophy—in historical research—in legislative skill, wisdom, and caution—in senatorial eloquence, and in all the amenities of private life and character, I know no man (taking all these qualifications together) not merely to be preferred but to be compared with him whom we have this day agreed to honour and invite among us. And considering him as a great example of the utility and the beauty of these attainments which we are here incorporated to cultivate and exalt, I cannot but feel that we have done right in giving him the preference upon this occasion over that other distinguished person to whom he has this day been opposed, and who would undoubtedly have done honour to the situation for which he was proposed: The great comfort in such a competition as that in which we have been engaged, is, that it cannot terminate in any choice that shall not be a subject of congratulation; and it is only in looking to him who has not been elected, that there can be any room for feelings of regret. I have thus endeavoured to explain the motives which have induced me to concur with the majority of my co-electors—less for the sake of preventing misconstructions, for which I care very little, and which I do not fear at all, than to gratify myself by expressing a little of what I feel of the merits of both the distinguished candidates whom I have the honour of ranking almost equally in the list of my friends. The choice you have made I do conscientiously believe to be the best calculated for promoting the interests of this University, and the honour of the studies in which all its members are engaged. I have only again to congratulate you upon that choice—to thank you for the attention with which you have favoured me—and, for the last time, to bid every one of you affectionately farewell.

ASIATIC DEPARTMENT.

— 637 —

"Reign of Terror !!!"

Some of our readers are aware that in the long series of atrocious Libels of which the JOHN BULL has lately been convicted by the highest tribunal in India, after malignity had exhausted itself on the character of Mr. Buckingham so that it could not find room for another poisoned dart; strenuous efforts were made to drag another victim into the field, that masked slanderers might find new work in mangling his character. When the primary object of their persecution had been removed from the country, many had expected that their hatred would have subsided, and few could imagine, that although its public expression ceased, it would be only kept in reserve for those who had at any time befriended him—as appears to be the case from the series of unprovoked attacks which were lately published in the JOHN BULL, on one of the most respectable and esteemed individuals in this society.

In the JOHN BULL of the 31st of March, we have a Note from "A SIMPLE CITIZEN" asking for information respecting some individual said to have gone to a Foreign Settlement, to request permission for the CALCUTTA JOURNAL to be printed there. The Editor replies—he does not know; but perhaps some of his Correspondents may be able to answer the query; that is—certify whether or not the above allegation be true. This forms the preamble of what was to follow, and was no doubt intended to prepare the minds of the Public to believe the anonymous falsehoods that were premeditatedly propagated.

Two days after, allowing time for enquiry, that Public might believe a Tauric Express had been despatched to the Foreign Settlement of S——e, and a categorical answer obtained—another Letter is published under the signature of BARNY WOGAN, one of the regular Correspondents of the BULL, and apparently the Leader of the BULL PARTY—representing all its honor and talent—repeating the story as a fact, and entering into a number of minute details, as if he had been actually writing a history of a real occurrence. The Editor publishes this to the world as a statement of facts; along with other Letters, one of them declaiming in high-sounding phrases of affected indignation against the "ORGANS OF Duplicity—THE TRUMPETS OF SLANDER—THE DAGGER OF MALICE—fictitious evils—fabricated accounts of high crimes and misdemeanours for the purpose of TEARING characters in pieces!"

Not satisfied with this, a third Letter follows, signed by a third Correspondent—"A MERCHANT," as if another respectable Member of the gang, who particularises the object of their calumny in a still more pointed manner—by stiling him "one of the Head Radicals of this city who has been treated rather uncereemoniously by the FRIEND OF BANKES." As much as to say, "The Public will easily understand who is meant, when I state that the person now attacked is the same—to calumniate whom such gross attempts were made in the JOHN BULL before."

The charge so deliberately brought forward by this gang of slanderers,—the "CITIZEN," the "MERCHANT," and "BARNY WOGAN," under countenance of the Editor, amounted to this, that one of the most respectable Members of this Society had proceeded to "S——e," or Scrampole, to obtain the permission of the Governor to establish there, as it is insinuated, a Press—hostile to the British Government of India. An answer from the Governor is fabricated, in which his Excellency is made to speak of the proposal, as connected with rebellion against legitimate authority; and of those who would countenance it as "outlaws and Buccaneers;" and to complete the tissue of calumny against an individual whose high estimation in this society ought to afford security against such malignant attacks, he is told of returning to those still attached to his "broken fortunes." Does the JOHN BULL think it warrantable to increase his income by circulating fabricated tales of this kind imputing to an individual of unblemished character, who has long enjoyed the esteem and respect of the first men in this country,—acts which he considers fit only for rebels, buccaneers, and outlaws? Do any of the Civil and Military Ser-

vants of the Honourable East India Company patronise such a Paper, and the system of slander on which its existence depends? If it could be supposed that any of them have so little regard to honour or principle, as not to spurn such a paper from them with disgust, they might perhaps be surprised to hear that even the Editor became at last ashamed of what he had done.

When a regular system of slander is thus pursued, it would be endless to notice every mis-statement; and having contradicted the former, we thought it better to leave the last of these Letters unnoticed; and the Paper that contained it to sink by its voluntary dereliction of truth and honest principles. But another Paper having contradicted the statement, the BULL thinks proper to come forward, nearly three weeks after the offence, with something like an apology. The Letter inserted in the HURKARU, for the truth of which the Editor was enabled to vouch, having been put in possession of the name of the writer, was as follows:—

"Sir,—As you inserted in your paper of Friday last a Letter from the JOHN BULL of the preceding day, headed "reign of terror," imputing very unproper conduct to a UNIVERSALLY RESPECTED Member of society, totally incapable of so acting, I think you are bound in justice to state that the Gentleman alluded to has not been out of Calcutta for the last month, and was not either directly or indirectly engaged in the transaction. I am, &c. VERAX."

JOHN BULL's excuse for delaying a whole week either to copy this Letter, or to acknowledge the falsehood of the statement, deserves particular attention, because it proves that he was deeply implicated with the fabricator. The Editor says, "our Correspondent has left Calcutta;" a confession that he is well aware the Letters which eked up the charge published on three different days under three different signatures, were written by one and the same person for the purpose of deception. He speaks not of Correspondents, but of one Correspondent; clearly showing that the CITIZEN, the MERCHANT, and BARNY WOGAN, who appeared as three distinct witnesses to gain credence to the fiction, were merely different forms of some Proteus Libeller. Otherwise, although "BARNY WOGAN" have left Calcutta as alleged, why not enquire of the "CITIZEN" who also pretended to have heard, or of the MERCHANT who affirmed he knew the fact? The Editor by his answer admits that these were mere Men of Straw, got up to favor the purposes of imposition, the Herald and Whipper in, of BARNY WOGAN, the Calumniator in Chief. The late decision of the Supreme Court will, we hope, help to put down this band of Libellers; who first seed forth statements dragging forward private individuals and representing them in the most odious colours, and then, several weeks after, make some equivocal confession that their charges were destitute of truth,—making even a merit of this confession as if it were a full reparation, and something more, for the injury done; because the acknowledgement originates (says the Editor) in the feeling which must pervade the breast of every man of principle until he has made *reparation for an injury however unintentional*." When the Correspondents of the BULL, whether the notorious FRIEND TO BANKES or BARNET WOGAN, do not scruple to invent, and the Editor to publish on their assurance the basest fabrications against respectable Members of Society, and he thinks it enough if he admits several weeks after that they were unfounded—while such a Paper is countenanced, no man's character can be safe; and it is now time for the Indian community, who have patiently submitted so long, to rid themselves of such a nuisance. After a story so minutely detailed turns out to be fabricated in all its parts, it is plain, the Editor cannot expect the Public to repose any confidence in what appears in his Paper—unless he proves that he was imposed upon by others, and was not in collusion with the fabricators of the story; as from the various letters under different signatures relating to the same subject he would appear to have been;—the Public have a right, before they suffer themselves to be insulted by that Paper a day longer, to require some pledge of the kind pointed out by a high Judicial Authority, that the writers in JOHN BULL will abandon the atrocious system adopted against Mr. Buckingham,—of slandering first, and endeavouring to find out proofs afterwards,

* Quotation from JOHN BULL, April 2d.

—638—

Economie à Chndrⁿg^r.

à l'Editeur du Journal de Calcutta

Monsieur,

Quand je lis certaines lettres françaises dans votre JOURNAL, il me semble assister à certaines messes catholiques où le prêtre officie dans un langage que personne ne comprend, et qu'il ne comprend pas lui-même. Quoique le français soit fort répandu, il n'en est pas moins vrai, qu'un article en cette langue doit avoir peu d'intérêt pour vos lecteurs et que la place qu'il occupe dans votre JOURNAL serait beaucoup mieux remplie par un Correspondant anglais.

Une semblable réflexion devrait m'empêcher de commettre la même indiscretion que mes Compatriotes; mais il est des circonstances où les désirs triomphent de la raison et tout en me blâmant moi-même, je n'ai pu résister à celui de repousser les accusations portées sans cesse, contre notre Administration Coloniale par le dépit et l'envie de certaines personnes qui n'ont pas, ainsi que moi, l'honneur d'en faire partie.

Je ne réfuterai pas *le vieux colon* qui se plaint si amèrement de la Justice de Chndrⁿg^r. Il est trop vrai que ses reproches sont fondés et qu'on y prononce pas un arrêt qui ne fut cassé en France; mais je lui demanderai en quel lieu la Justice est parfaitement administrée, et s'il est un temple sur la terre, où Thémis n'aît plus ou moins violée? *Summum jus, summa injuria*, est un proverbe aussi vieux que le monde et l'on peut dire au moins en faveur de la Justice de Chndrⁿg^r que si parfois, elle condamne des gens innocens, parfois aussi, elle en épargne qui mériteraient de être pendus.

Le seul but que je me propose en vous addressant cette lettre, Mr. L'Editeur, est de prouver que nous rachetons ce défaut de Justice par un mérite qui la vaut bien et que si nos Tribunaux, n'ont pas le sens commun, selon l'expression acerbe du *Vieux Colon*, en revanche, nous avons une admirable Administration commerciale, financière, nationale et philanthropique, qui ne peut manquer de nous éléver en peu de temps au plus haut degré de gloire et de prospérité.

Le principal revenu de nos établissements consiste en quatre Lacs qu'ils reçoivent annuellement de la Compagnie Anglaise, pour avoir renoncé au commerce du Sel et de l'Opium.

Quand ce beau traité fut conclu et Signé à Londres, en 1814, l'Agent Français qui prenait si bien les intérêts de nos Colonies, repréSENTA aux Directeurs de la Compagnie qu'en privant les Colons du droit de trafiquer avec le Sel, il fallait au moins leur en donner pour leur propre consommation. Cette demande parut si juste, que les Directeurs y consentirent immédiatement et qu'on ajouta au traité un petit Codicille en vertu duquel, l'Administration Française recevrait chaque année, autre ses quatre Lacs, douze mille maunds de sel, au prix courant de la Compagnie, pour être distribués parmi les plus pauvres habitans de nos Colonies.

Il semblerait résulter de ce Codicille, que le sel abonde sur le territoire Français, et que les 15 ou 20 familles les plus indigentes de Chndrⁿg^r et Pndch^r reçoivent au moins, 60 ou 80 Roupies de pension par mois. C'est en effet ce qui fut arrivé sous une Administration bornée aux vues étroites de la Justice et de l'humanité; mais la nôtre n'est pas soumise à si petites considérations; et l'esprit d'économie qui la dirige, lui inspire des pensées bien plus vastes: elle vend à l'enchère les Douze Mille Maunds qui lui donnent un bénéfice d'environ 20 Mille Roupies. Le Bengali qui les achète y mêle un treizième de sable, ainsi qu'il est facile de s'en appercevoir par la dissolution; et pour comble d'économie, nous sommes obligés d'acheter ce sel ensablé à raison de 7 serres à la roupie, tandis qu'on en trouve, 9 Serres aux portes de Chndrⁿg^r.

Quelques Colons qui ont eu connaissance de ce Codicille, se sont alors autorisés à se plaindre de notre généreuse administration, et plusieurs même ont poussé l'aveuglement jusqu'à prétendre que puisque le Ministère de la Marine, s'était arrogé le droit de vendre le Monopole du sel, qui ne lui appartenait pas, il

devait au moins répartir le produit de cette vente parmi ceux qu'elle empêche de faire commerce; mais il est évident que ces Colons n'ont aucune idée de la profondeur de nos opérations et que leurs prétentions absurdes sont dictées par un égoïsme plus absurde encore. Il serait ridicule de venir s'établir si loin, si l'on n'y gagnait quelque argent, et le caractère d'un bon système Colonial est de considérer les Colonies comme une épingle qu'il faut exprimer jusqu'à la dernière goutte. Ces quatre Lacs qu'ils ont l'indiscretion de réclamer suffraient à peine, pour les sortir de leur misère, tandis qu'envoyés mystérieusement à Paris où jamais ils ne figurent sur le Budget de nos Finances, on les emploie sans doute, comme tant d'autres, à payer des Députés indépendants, ou peut-être encore à entretenir, les Maitresses, les Confesseurs, les Chiens et les Cerfs, de nos Princes légitimes.

En ajoutant à ces 4,20,000 Roupies ce que provient de la Ferme des Gattes et des Bazars y compris, sans qu'on s'en doute, un petit droit sur les lieux de débauché, seulement pour le maintien des bonnes mœurs, en ajoutant encore ce que résulte de la fabrication de l'Arrak que nous osons affirmer, quoique cet odieux mode d'impôt, soit sévèrement prohibé par nos Loix, en y mettant de plus ce qui provient d'un autre impôt plus revolant encore sur les cocotiers de Pndch^r, ainsi que plusieurs autres dont je parlerai incessamment, on composera, tous frais défaits, un revenu net d'environ deux millions de francs, qui vont s'engloutir annuellement dans les trésors de la Métropole, tandis que les Colonies gémissent sous le triple poids de la misère du despotisme et de l'humiliation.

On voit donc, que sans la perfection de son génie économique, notre administration coloniale, ne pourrait satisfaire au zèle qui l'anime! aussi rien n'est beau, rien n'est édifiant comme l'ordre, l'exactitude, la rigueur, la ponctualité qui regnent dans toutes ses mesures. On a déjà dit, dans ce JOURNAL, qu'il fallait assembler un Conseil d'Administration pour constater la perte d'une cruche ou d'un balais, et qu'il avait fallu la signature des premières autorités de Pndch^r pour faire repasser aux frais du ministère les deux razoires du barbier de la frégate CYBÈLE, en station dans la rade. A Chndrⁿg^r on n'est pas moins circonspect, à l'égard des dépenses. L'Administration pousse l'abnégation de soi-même, juge à proscrire les *Panzer* et les *Taxis*, dans ses Bureaux, parcequ'il faudrait payer des *Batîs* pour arroser ceux ci, et des *Bearers* pour tirer ceux-là. On y délibère gravement sur une dépense extraordinaire de 15 ans qu'on soumet à la pluralité des voix. J'ai vu la salle du Conseil encombrée de bottes de paille et le contrôleur y goûter pour constater la Supercherie du fournisseur. De deux paires des *Bœufs* qui nous servaient à nettoyer les rues, j'ai vu vendre la plus belle qui ne pouvait s'accoutumer au régime dictatoire de l'administration. Je tiens pour certain, qu'il fut question récemment de diminuer le salaire d'un *Coulois* qui ne voyait que d'un œil, et l'on m'assure en ce moment, qu'on va réduire à la moitié, les dimensions du beau pavillon blanc qui flotte sur la Ville,

Je pourrais multiplier à l'infini, ces preuves incontestables de la sublimité de notre administration coloniale, si ce n'était pas assez, pour en convaincre tout le monde. D'ailleurs, il est une autre économie qui n'est pas moins recommandable que celle de l'argent, c'est l'économie des paroles, à ce que dit St. Augustin le plus grand bavard de son Siècle.

Jo terminerai donc cette lettre, par une seule réflexion que bien d'autres ont faite avant moi; c'est que si les Indous du territoire Français, assez peu éduqués pour ne pas reconnaître les mérites de notre bureaucratique maritime, avaient un peu plus de courage et d'énergie, il y a long tems que nous serions chassés de Chndrⁿg^r et de Pndch^r, comme nous avons plusieurs fois manqué, de l'être, de Carical.

Recevez, Monsieur, &c. &c.

CESAR MUGUET,

Commiss de 1ere classe au Bureau des mouvements, armements et équipements de Chndrⁿg^r, entre l'Arsenal et la Cazerne,

20 Février, 1823.

Wednesday, April 16. 1823.

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Danger of Fireworks.

To the Editor of the Journal.

SIR,

As a serious accident had nearly happened the other evening to a gentleman while riding past Mr. ——'s School, in consequence of some Crackers (which the Boys had thrown out of the windows in the street) exploding under his horse, I shall feel obliged if you will have the goodness to recommend, thro' the medium of your Paper, that those who have the care of youth, prevent their using Fireworks to the danger of good Citizens, and oblige one whose life is too valuable to be lost by a Cracker, or a Squib.

I am, Sir, Your's, &c.

A CITIZEN.

Note.—We give insertion to our Correspondent's Letter with much pleasure; and we shall be most happy to hear that this endeavour to attract the public attention to the danger arising from letting off Fireworks in the streets, or in places near enough to the Public Roads to put the lives of passengers in danger, by frightening their horses, may be productive of the desired effect, by inducing parents and those in charge of Children, not to allow them to resort to a recreation so dangerous to themselves, and to others. We must however observe, that this practice of letting off Fireworks in and near the Public Highways, is not confined to Children, whether Christians or Natives, but it is also the common amusement of a parcel of idle grown up men. For these the Police may perhaps suggest an employment more consonant with their own and the public safety, tho' not quite so agreeable to their insolent propensities.—ED.

Right of Thoroughfare.

To the Editor of the Journal.

SIR,

The Letter of "AN INHABITANT OF COSSIPORE," in one of your late JOURNAL, having brought to recollection a circumstance which happened to me some time ago, allow to state it for the information of your readers.

It is well known that a Lane leads from near a Hindoo Mosque a little above the Chitpore Bridge, to the Premises of the Nabob. This lane opening again into the broad road to Cossipore, afforded, during the past rainy seasons, a safer and more convenient passage for Buggies or Carriages: the broad road being then interspersed with deep hollows, so curiously arranged, that it was impossible to escape them in driving on. Add to this, the number of Kranches laying out on the road, made it almost impossible to avoid coming in contact with some of them, in a dark and rainy night. It was on one of these nights, that on my return home in my Buggy from a visit to a friend at Cossipore, I turned down the lane in question, without any apprehension of being treated in the way I was, having made it my route to and fro' for some months before. On coming near to the gate of the Nabob's Estate, a would-be Sepoy, in tattered garments, advanced, bellowing like a bull, and frightened my horse. When able to quiet the restive animal, I enquired into the cause of the hbbub, on which the Sentry, or whatever he was, marched up to me, and without much ceremony, positively desired I should go back on the main road, or feel his vengeance by having my Pegasus run through with the rusty bayonet affixed to the more rusty and broken musket which the fellow so proudly shouldered. By the help of lamps, I had a pretty good view of this brave Soldier, whose appearance would have been an elegant subject for the Pencil of Hogarth. To prevent disagreeable consequences, I did go back, and have since not run the risk of giving this noble man-of-war the only opportunity, perhaps, of doing a deed of valour.

The men who are employed by natives of respectability and rank in this City, as Hiskarrahs, Sepoys, &c. are well known to be the most insolent and overbearing of any other. I have no doubt but my gallant invader overstepped the bounds of his authority, as it would hardly be supposed, that the Nabob had given directions for stopping passengers on the road, much less for forcing them to retrace their steps to the highway.

Understanding since, that the lane belongs to the Nabob of Chitpore, I shall be glad to know, if such is the case, and whether passengers can be prevented, even by an order from the Nabob from making use of it, particularly as it communicates on two sides with the high road from Calcutta to Cossipore.

Your's, Mr. Editor,

April 1823.

A GADDER.

Powers of Magistrates.

To the Editor of the Journal.

SIR,

The following passage, extracted from the Parliamentary Debates for 1817, is Sir Samuel Romilly's opinion as to the power vested in Magistrates, for committing or requiring bail in cases of Libel; it struck me as applicable to the present times, and thinking it might prove interesting to some of your Readers, I herewith take the liberty of handing it to you for publication, if you think it worthy a corner in your JOURNAL.

I am, Sir, Your's obediently,

A READER.

He was now about to enter into the legal arguments; but he would not detain the House long. Indeed, after the admirable argument upon that subject which had been delivered by a noble friend of his in another place*, and which was now in print, he should be inex-usable if he did. That argument it was difficult to add to, and he believed impossible to answer. If the magistrates possessed the power of committing or requiring bail in cases of libel, they must derive it either from their commission or from statute. Their commission was totally silent on the question. The only part of it on which an interpretation favourable to the existence of this power could be fixed, was that which regarded trespasses; but the whole tenor of the passage showed that trespasses here meant trespasses against the peace. If it were not so limited, it must comprehend every species of trespass as well as this; and, therefore, as many species of trespass were not included, there was no reason to suppose that libel was. He would state authorities, the first was that of lord Coke, who, after stating that before the statute of Philip and Mary, magistrates could not commit, or hold to bail for breaches of the peace stated, that since that time they possessed such an authority.

He did not, however, include libel. The next authority was that of lord Hale, who said that justices could issue their warrant to apprehend and imprison, before indictment, for breaches of the peace. That learned judge in speaking of the objects of this warrant, uses the word crimes in general; but it was evidently from what followed, that he meant misdemeanors, which amounted to breaches of the peace, and did not include those that only tended to a breach of the peace; for he added, that such was the universal and uncontrolled practice. It was not the practice to commit for libel. It was said in the time of the seven bishops, that a libel did not only tend to a breach of the peace, but was an actual breach, and on that ground a warrant for commitment was justified. In 1663 there was a case to the point, but it occurred in a period from which no precedent could be drawn. The statute enacted then which gave the magistrates power to commit, did not refer to libels which were under the cognizance of government alone, but to the putting forth of unlicensed publications. Several persons, and among the rest Dover and Brewster, suffered under this tyrannical law. The constables or other officers were ordered by it to enter the dwellings of persons whom they suspected, and search for books that were not licensed; and of whatever character they were, the simple defect of the want of licence subjected their possessors to the penalties of the statute. The magistrates had no discretion. They were bound to commit on the finding of such publications: but these had no reference to libel: indeed, till lately he never heard that magistrates were supposed to have the authority now stated to belong to them: The Opinion of the law officers and the Circular of the secretary of state, were a surprise to him. He had had many opportunities of seeing the practice at the sessions; he had conversed with many learned friends well acquainted with the powers of magistrates; but he never heard any thing like the doctrine now advanced; and if this was the law of the land, which he did not believe, it should be altered as soon as possible.

* Earl Grey. See p. 445 of the present Volume.

HIGH WATER AT CALCUTTA, THIS-DAY.

	H. M.
Morning	7 25
Evening	7 49

Selections.

Bombay, March 29, 1823.—We announced in our last, that a Dinner had been given by the Highland Society on the evening of the 21st; but too late for us to notice it at length in our paper of the following morning.

On occasions like this, the pleasure does not lie in the excellency of the dinner or the fineness of the wines, the number of the party, or the eloquence displayed by the speakers which compose it. No! there is a calm feeling of satisfaction which brooks not the interruption of common-place oratory or of boisterous mirth, and which scarcely dwells on what is passing at the moment.—The recollections and attachments of our early years are brought before us, in the language and dress of those around the board.—They remind us of the scenes and of the friends who are far distant, and bring with them a thrill of pleasure which is known only to those who cherish the remembrance of their native land.

These are the feelings which throw an irresistible charm over national associations in this country.

The party assembled at Lowjee Castle on this occasion, mounted to about eighty, the members of the Society were all distinguished, by some badge or ornament peculiar to the Highlands; a few wore the tartan dress, and one member of the Society (Mr. Mcleod) appeared in full costume, with the kilt and spuelchan.

Justice having been done to an excellent dinner, excellent even in the absence of "the great chieftain of the padding race"—the cloth was removed, and gave place to an honored substitute, the magnificent Punch bowl. Never, we will venture to say, did the immortal Burns' famous Poetic fire in better trim than was dealt round by the worthy Secretary, who did the honors of the Bowl.

After the usual constitutional toasts.

"The Highland Societies of London and Edinburgh," and "The Bombay Branch of the Highland Society," were successively drank.

"The Memory of Sir Ralph Abercromby and of the heroes who so nobly fought and fell with him on this memorable day."—Drank in solemn silence.

"The Governor General and Presidencies of India"—"Sir Edward Paget and the army in India"—"Commodore Grant and the Squadron in India"—were given, and received with applause.

"The immortal Memory of Wallace and Bruce"—Drank in silence.

"The Land of Cakes"

"Chieftains and Clans"

"Absent Members"

Our northern brethren being more famous for the willing hand and heart than the ready tongue, had previously arranged that no healths of those present should be drank; but the song was not forgotten.—*Scots wha ha' wi' Wallace bled*:—The death of Abercromby.—Donald McDonald.—The Kail brose of auld Scotland—and many others, were sung in excellent style and added not a little to the hilarity of the evening.

The party separated at "some wee short hour avont the twal," in as joyous a mood as good Whiskey, good Snuff and good Company could make them.

Madras, April 2, 1823.—After our publication of Saturday was sent to the Press the homeward bound Ship DAVID SCOTT anchored in the Roads—having quitted the Pilot on the 17th ultimo. She will sail, we understand, in prosecution of her voyage to England on Saturday Evening next—touching at the Cape. We have on former occasions given publicity to flattering testimonials of approbation received by Captain Banyan from his Passengers—so that any thing on our part would be deemed superfluous more than to mention that the Accommodations of the DAVID SCOTT are not all engaged.

Passengers per David Scott.—For MADRAS.—Miss Goodinge, Mr. Barwell, Mr. Forbes, Mr. Russell, Capt. Bolton, and Mr. Parker. For THE CAPE.—Mr. and Miss Hoffman, Mrs. Goldsbury and Child, and Mr. Anderson. For LONDON.—Mrs. Taylor and 2 Children; Doctor G. Uman, Capt. Oldredge, Capt. Lambie, Mr. Cracklow, Major George, and Mr. Rodney, and several Native Servants.

The Ship JAMES DRUMMOND, Captain G. Wise, from Banca 24th February and Malacca March 11 arrived on Sunday morning.—Passenger.—Mr. J. Burus.

His Majesty's Ships MADAGASCAR and DAUNTLESS quitted the roads on Sunday morning the former for England, the latter to rejoin the Commodore at Trincomalee. The Commodore will not visit us until after his return from Penang—so that we may not expect to hail the LIFFEY's broad pendant before the middle of July.—*Madras Gazette*.

Notice to Correspondents.

Besides the numerous communications that have been absolutely rejected, some with and many others without notice, for reasons which it would be too tedious to assign—several have been postponed for further consideration, owing to the fluctuating aspect of the times, till their interest had gone by, or subsequent events rendered them inapplicable. Hoping our Correspondents in general will be kind enough to make the allowances the case requires, we think it necessary to notice more particularly only a very few rejected communications.

The Letter on the ADDROITNESS OF NATIVE CREDITORS, is utterly inadmissible. We never publish such statements as it contains, without the name of the Writer; but even if we knew this, we must, under existing circumstances, decline the insertion of the letter.

The Letter ON THE DISPARITY OF CIVIL AND MILITARY OFFICERS, is rejected. We do not clearly perceive the drift of the Writer; but are of opinion, that the publication of his communication would not be productive of any useful result.

W. C. R. is well meant, but the subject of his Letter is already exhausted, and any further discussion of it, would be "weary, stale, flat, and unprofitable."

M. B. from Saugor has our thanks.

It is out of our power to satisfy "BRUTUS SENIOR" as to the Letter he refers to; but it was most probably destroyed by our Predecessor, under the impression that the stale trick of making such accusations as it was meant to reply to, was unworthy of notice.

The hopes of "HEART OF OAK," are blighted; the expression of them now, would be unavailing.

The sentiments of COLONNA do honour to his heart; but the publication of them could not now be attended with any beneficial effect.

Ball and Supper.

IN CELEBRATION OF HIS MAJESTY'S BIRTH DAY.

The GOVERNOR GENERAL requests the Company of His Majesty's and the Hon'ble Company's Civil, Naval, and Military Servants, at a Ball and Supper, on Wednesday the 23d instant, at 9 o'clock, in celebration of HIS MAJESTY'S Birth Day.

D. RUDDELL, Capt. A. D. C.

Govt. House, April 15th, 1823.

Marriages.

On the 12th instant, at St. John's Cathedral, by the Reverend J. HAWTHORNE, SIMON FRASER, Esq. of the Bengal Civil Service, to ISABELLA SARAH, eldest Daughter, and on the same day, JOSEPH ALEXANDER DORIN, Esq. of the same Service, to ANNA, youngest Daughter of the late JAMES PATTON, Esq. Senior Merchant on this Establishment.

Births.

At Serampore, on the 12th instant, Mrs. LAWRENCE D'SOUZA, of a Son.

At St. Thomas's Monast. (Madras), on the 30th ultimo, the Lady of Colonel FREEZE, Acting Commandant of Artillery, of a Son.

At Bangalore, on the 25th ultimo, the Lady of Captain MEREDITH, Commanding the 4th Light Cavalry, of a Daughter.

At Belgaum, on the 9th ultimo, the Lady of Captain FYRE, of a Son.

Errata.

There being many errors in the orthography of the signatures attached to the Letter addressed to Dr. Tytler, republished from the HURKARU in yesterday's JOURNAL, we subjoin an accurate List of them: the date was also erroneous and should have been the 21st and not the 2nd of March.

T. Marshall, R. W. M.—B. Marley, W. P. M.—W. McQubbin, W. S. W.—M. Attry, W. J. W.—J. T. Rivas, S. Deacon.—W. W. Rowen, J. Deacon.—A. Urquhart, Secretary.—C. W. Winton, F. C.—W. Burroughs, F. C.—C. Wade, Steward.—H. McGeaniss, Tyler.—A. Lindsay, M. M.